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New Features:

Business Trends by James W. Robinson 4
Spirit of the Recall by Christopher Shelton 16

The Challenges of a Leader
Bill Simon Jr. 27

SB517: This bill would declare that it is the intent of the Legislature to delay the effective date of the exit examination requirement until specified conditions have been satisfied ....

A terrible thing to waste

Why liberals want the high school exit exam quashed

Ray Haynes 19

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Ron Keeva Unz

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An Opening for Common Sense

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— Irving Kristol

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FEATURES

COVER ARTICLE: A terrible thing to waste By Ray Haynes 19
Why liberals want the high school exit exam quashed — *Or:* How the peoples' employees wasted ten years chasing never large enough budget increases while doing nothing to help kids learn.

Business Trends – New Department By James W. Robinson 4
In a spruced-up Departments section, *California Political Review* inaugurates Business Trends, highlighting opportunities, identifying danger signals, and tracking the health of the Golden State economy.

Spirit of the Recall: Don't Forget the People By Christopher Shelton 16
CPR's new bi-monthly report on California's 'Blow up the Boxes' revolution: Is the Schwarzenegger reform program morphing into a pair of diverging movements?

True Feminism By Kathleen O'Connell-Sundaram 25
A report on the California Catholic Women's Forum: "True Feminism for Real Women."

The Challenges of a Leader By William E. Simon Jr. 27
A Commencement Address — Leadership: a test of character, lonely, and a paradox.

DEPARTMENTS

Correspondence 2
Sacramento Spectator 3
Business Trends By James W. Robinson 4
The Front Line 5
Facts on Gun Control By Sam Paredes 6
Legislative File 7
The Working Press By George Neumayr 8
Tommy's Friends By Joy Skilmer 9
The Law By Harold Johnson 11
Those in power over us By M. David Stirling 13

ARTS & CULTURE

Criticus By G.B. Tennyson 32

Theories of Everything The one point ignored in all the coverage of Harvard's Lawrence Summers is whether there actually *is* any difference in the relative scientific abilities of men and women.

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A PUBLICATION OF THE
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CORRESPONDENCE

(Terri) Schindler's List

These once was a movie called *Schindler's List*. Too bad Terri Schindler Schiavo wasn't on that list. Remember what happened to the Jews was legal. What we have done to Terri was "legal." We are all witnesses to the first public execution of a disabled person in America. Sadly, we have not learned from history.

Earl De Vries
Ontario

Rescue those being led away to death; hold back those staggering toward slaughter. If you say, "But we knew nothing about this." Does not He who guards your life know it? Will he not repay each person according to what he has done?
— Proverbs 24:11-12

Behold the Senate conflict over judicial nominations. It is a classic clash between secular and traditional values. The minority party has set up a firewall. Anyone who has legal compassion and sympathy for the unborn need not apply. This will exclude practicing Catholics, other Christians, and traditional secularists.

Let the minority speak for the culture of Hollywood and judicial activists. It will be an education for all Americans and in particular for Christians registered with the minority party, leading to that party's further disintegration. We may hope it also leads to the fall of pro-abortion Catholic politicians (or their re-conversion to the faith of their fathers). Now are the times to stand up for the unborn.

George H. Kubeck
San Juan Capistrano

A nation divided?

George Neumayr ("A Journalistic Report or a Wish?", *CPR*, Jan./Feb.) wrote that, on election night, reporters said the nation is divided. I hate to agree with liberals, but I must do so. The nation *is* divided, much more than at any time since the Vietnam War. For many years the liberals controlled all four corners of the U.S. power structure: congress, the presidency, the courts, and the news media. Now they have lost congress and the presidency but not the courts and the media. Part (if not most) of their current message is that conservatives have the best chance of taking back the courts. Couple that with the rise of talk radio and the Internet — which threatens the liberal strangle-hold on the media — and you can see that we are divided (thank Heaven). I hope conservatives don't become so self-satisfied with our political strength that we ignore our weakness in the cultural and judicial wars.

Virgil Weatherford
Woodland Hills

As Mr. Neumayr pointed out, division certainly exists, dividing the nation from the unrepresentative media elite, and, as Mr. Weatherford adds, from the unelected scofflaws who sit on too many judicial benches. But the reporters' message was that the American people *are deeply divided and that this was* news *(i.e., a developing trend, suggesting that we should expect more such division) whereas the real trend is away from division: with each recent election, with each increase in Republicans' hold on power nationally, voters' have made their rejection of left-wing Democrat ideas more emphatic, showing greater unity in the process. That's the news the media does not wish to report.*
— editor

Union shakedown blues

I agree with Lew Uhler's comments ("The taxpayer-assisted, left-wing Democrat union shakedown blues," *CPR*

(Please turn to page 31)

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SACRAMENTO SPECTATOR

Spring is usually a beautiful time of year in Sacramento, and while your *Spectator* has been cheered by Mother Nature's usually gaudy show, it's been tough not to be infected as well by the dispirited mood infecting Republican ranks here. The falling fortunes both of the governor and his reform package have descended on Republican legislators and like-minded Third House members, shrouding them in a gloomy chill like this town's heavy January fog.

I leave the details of what's gone wrong to *CPR's* new regular "Spirit of the Recall" feature *[see page 16 of this issue — editor]*. Suffice it to say that both the governor's office and GOP legislators have been knocked back on their heels. Where once they wondered how far-reaching their triumphs this year might be, they now worry about limiting the damage. The governor's once Herculean reform agenda has shrunk to a 98-pound weakling. The GOP's planned bold legislative strokes have been replaced by deflecting the standard liberal Demo-crat agenda.

The good news for Republicans at deadline — early May — is that the governor is committed to calling a November special election. On the ballot from the GOP side of the aisle will be the "spending cap" proposal, teacher tenure, redistricting, and paycheck protection. Forgive me while I yawn. The spending cap supported by the governor is a toothless tiger. And word in my usual toney salons and public houses is that the governor will not campaign for the teacher tenure initiative.

Which leaves us redistricting and paycheck protection. The latter would prohibit public employee unions' use of mandatory member dues for politics without the members' written consent. Either measure, if passed, could profoundly reform and disrupt state politics as we know it, but that's a big "if." GOP political professionals express concern about these measures' power to turn out the Republican base in a special.

As important for the correlation of political forces as redistricting and paycheck protection indisputably are, they are also, nonetheless, "political process" measures that don't usually fire up the GOP faithful the way straight, hot-button issue initiatives (Three Strikes, for instance) tend to do. Part of the GOP base will come out to support a parental notification for minors' abortion measure that will almost certainly be on the ballot. But *nothing* on the ballot would be expected to bring a room full of generic GOP activists to their feet cheering. And — on the other hand — the Democrats and their union allies (for whom "political process" is bread and butter) will be in full warpaint.

That was far less a concern when the governor was the Governator, able to generate enthusiasm just by showing up anywhere. The deflation of Schwarzenegger's invincibility image could make the November vote revert to the more routine special election formula: turnout, turnout, turnout. If the governor can't restore public enthusiasm for his program, Democrats could win on turnout alone.

That's for the GOP professionals to fix. In the meantime, the capitol mood is gloom and doom. GOP legislators are tearing their hair, feeling they are "bystanders," as one put it. Team Schwarzenegger seems dysfunctional at times, and the reform juggernaut of just a few weeks ago has been reduced to the governor riding around in his "Reform 1" Humvee.

It's all enough to drive someone to drink .... proving something positive is always there if you look long enough. Off to a watering hole! More reports next issue.

— *A. P. C.*

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Business Trends

The best of times? Or the worst?

The nation's economic prospects are looking up; so why are Americans feeling so down?

JAMES W. ROBINSON

With this issue, California Political Review *inaugurates a new, spruced-up look to our regular Departments section and, more importantly, a new regular Department:* Business Trends, *to highlight opportunities, point out danger signals, and report the overall health of the Golden State economy, which provides the state's productive sector its profits that, in turn, sustain the income, jobs, and material hopes of every Californian — even of tax-consuming politicians, their self-image as deities benevolently bestowing upon us their own largess notwithstanding.* CPR *is honored to launch* Business Trends, *to be penned by a rotating cadre of experts, with the following contribution by James W. Robinson, senior vice president at the U.S. Chamber of Commerce who served as communications director for former Governor George Deukmejian and Attorney General Dan Lungren. The views expressed are his own.*

ARE THESE the best of times or the worst of times for the nation's economy? The answer seems to depend on whether you ask respected economists on Wall Street or average citizens on Main Street.

Their increasingly divergent responses could significantly impact the political climate and prospects for President Bush's ambitious second term agenda. Since consumer spending accounts for two-thirds of our entire economy, with consumer confidence driving that spending, growing public pessimism could cause the experts to dial back their rosy projections of future growth. Indeed, most economists crunching the latest numbers will tell you the economy is strong and much evidence supports their view. We are enjoying levels of growth, job creation, consumer demand, and business investment that our top global competitors can only dream about. In France, the government hopes it can reduce unemployment all the way down to 9 percent by the end of this year. Were Germany to eek out one percent growth in 2005 it would be considered cause for celebration in Berlin. Japan was greatly relieved when initial reports of a .5 percent shrinkage in its economy in the 4th quarter of 2004 were revised upward to a "whopping" .5 percent expansion.

Meanwhile, the American economy is chugging along at 4 percent growth, creating new jobs at the rate of more than two million per year, and doing all this while sustaining manageable inflation and interest rates and an historically low 5.2 percent unemployment rate.

Even California's economy, saddled for years by anti-business policies, fiscal emergencies, and soaring costs for electricity, transportation, housing and water, is showing signs of life. The state's Employment Development Department recently reported that California has started to attract and create jobs again, with companies adding 27,600 employees in February. The unemployment rate stands at 5.8 percent — down from 6.8 percent a year ago.

An improving national economy partially explains California's nascent turnaround. But so does a new approach by the state's leaders and voters. According to the California Chamber of Commerce, in 2003, then-Governor Gray Davis signed 11 out of 13 "job-killer" bills passed by the Legislature. By comparison, Governor Arnold Schwarzenegger vetoed all 10 job-killers that were sent to his desk in 2004 and enacted genuine workers compensation reform. He has refused to raise taxes at a time when other states are hiking theirs, making California more competitive.

The state's voters have stepped up to the plate as well. Last November they passed an initiative to end many junk lawsuits. They also overturned a politically-appealing yet burdensome health care mandate on business, thus showing a mature grasp of the competitive realities facing California in a global economy.

And this is a compelling time for California, or any state, to burnish its business-friendly credentials and

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THE FRONT LINE

Club for Growth confab

Tony Strickland's California Club for Growth continues to show it is determined to play a serious role in state politics. During last year's fall election cycle — the first for the group formed only last July — CCG financed six-figure participation in targeted legislative races, enough to exert significant influence even in a state where two million dollar campaign budgets for a single competitive assembly seat barely raise eyebrows any more.

The Club is also serious about results: it supports and opposes candidates not merely by partisan label, but on the basis of their positions on key issues. "We will hold legislators accountable if they raise taxes," Strickland said, in a nutshell showing that the Club is not merely another insider operation designed to serve Party elites, but an organization working primarily for California's people. Ordinary citizens, after all, don't care whether the politician raising their taxes is Republican or Democrat. The point for them is whether or not their taxes are raised.

Strickland's straightforward statement of principle and practical tactics confused *San Francisco Chronicle* columnist Debra Saunders, still for some reason routinely referred to as "conservative."

Saunders chided Strickland for the Club's resolve to defend as core a principle as exists for Republicans — not to mention fiscal conservatives — implying that opposing tax-hiking Republicans fails to "recognize the realities in this state and what it takes to get elected in this state," as though California voters, unlike people everywhere on earth, really like and respect spineless compromisers. This sort of "recognizing reality" ignores the essential reality that getting elected is a waste of time if you must cave-in on the issues that matter to those who elected you.

Now the Club has scheduled a serious grass-roots planning and education session, calling it the "first annual Republican Economic Conference," to be held June 4, 8 a.m. to 5 p.m., at the Crowne Plaza hotel at LAX. A sign of the weakness afflicting much of California's grass roots conservative activism has been its organizations' seeming inability to put together interesting conferences. Most seem doomed from the start to deteriorate either into dead-end complaint sessions; dreary efforts to define a purpose that will resurrect old glories; or high school-level purge and counter-purge affairs to see who can sit atop some long-moribund operation.

But Club for Growth's conference promises to stimulate, entertain, and activate. A star-studded cast — Sen. Tom McClintock, talk radio and television host Larry Elder, economist Art Laffer, and incoming *Wall Street Journal* Editorial Page Editor Stephen Moore (also founder and former president of the national Club for Growth) — will headline the event. Even the infamous Dick Morris will be on hand to discuss "the latest Washington political trends and election forecasts for 2006" — as well as, we predict, some talk about Hillary.

Club Director Shawn Steel promises conference-goers "an insider's understanding of what's happening in Sacramento, how to decrease taxes and regulations, how to increase individual and economic freedom, and how to influence the upcoming elections more efficiently." For information or to register, contact: Shawnsteel@shawn-

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aggressively market its advantages to investors. The corporate sector is simply awash in spendable and investable cash as a result of the American Jobs Creation Act of 2004, enacted late in the year by Congress and the president. It included a one-year "tax holiday" whereby profits earned overseas by U.S. multinationals before 2003 and held in foreign subsidiaries can be repatriated — this year only — at an effective 5.25 percent tax rate instead of the steep 35 percent rate that would normally apply.

HOW MUCH money could come rushing back to our shores by year's end? According to *Business Week,* as much as $300 billion.

In addition, thanks to the economy's fundamental strength and the upside of a weaker dollar, the U.S. has regained the global edge as the most favored destination for foreign direct investment (FDI). Two years ago, China supplanted our country as the prime location for such investment and our share of funds shrank dramatically. Yet according to the most recent figures, we have reclaimed world leadership in FDI — and more FDI means more business, jobs, and tax revenues for the states that successfully attract it.

Yet if the nation's economic prospects are looking up, why are the American people feeling so down? Do they see something the green eyeshade economists fail to see? A Gallup survey taken in late March and others like it left many pundits scratching their heads.

In the Gallup poll, just 2 percent of Americans rated economic conditions as excellent, 30 percent said they were good, 43 percent said fair, and 24 percent said poor. Just one third of the public believes our economy is getting better; 59 percent say it is getting worse, despite so much evidence to the contrary. The poll also found President Bush's approval rating has fallen to its lowest point in his presidency. Clearly, the public's grumpiness about the economy has started to drain his political capital and could significantly impair his ability to enact a conservative agenda.

Paying $2.50 and more for a gallon of gas surely ex-

WHAT YOU HAVEN'T BEEN TOLD ABOUT GUN CONTROL

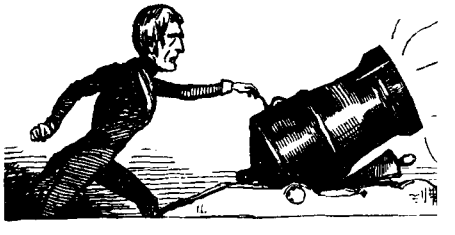
By SAM PAREDES

I recently sat in the Assembly Public Safety Committee filing down a firing pin using one of my wife's emery boards.

It took me less than 10 seconds to file more than 100 microns from the surface of the pin as I testified in opposition to AB 352 which requires micro-stamping on handgun firing pins. I was even able to talk to committee members while I filed away, but for some reason, the bill's author and chief government nanny Paul Koretz thinks a criminal is too intellectually challenged to do the same.

He charged they aren't smart enough, going on to say "That's why they can't get jobs!" Perhaps he was confusing common thieves with Democrat Assemblymembers, another category of people devoted to living off the sweat of other men's brows.

Koretz wants firing pins marked with a microscopic serial number on every spent cartridge case, because he believes this will enable cops to trace spent shells to handgun owners. If this isn't a slippery slope, I never met one. AB 352 will require all semi-auto handguns sold in California to have such marking devices which, as I ably demonstrated, can be easily manipulated — erased even. If criminals were as dumb as Koretz says they are, crime would not plague us because would-be perpetrators could not make it to the curb to commit any. Studies have shown, *ad nauseum,* that lawbreakers actually occupy the higher end of the "smart" scale.



Evidently incorporating exactly the wrong lesson from the Gray Davis/"Oracle" scandal, AB 352 requires the state to engage in a "sole source" arrangement with the company that owns the technology to be used, thus setting up its owners for life — talk about winning the lottery! Koretz' testimony neglected to mention this point. Asked about it, he fired back that seat belts were a sole source technology — as silly a response as his dumb criminal remark. Bear in mind, this man believes *himself* to be intelligent. One thing: he need not fear if the governor ever manages to enact his part-time Legislature idea. Born fools like Koretz will never starve as long as there are jobs for stand-up comics.

Sam Paredes is executive director of Gun Owners of California.

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LEGISLATIVE FILE

Governor's 'miserly' budget isn't.

Freshman GOP legislator Chuck DeVore, a member of the Assembly Budget Committee, tested — by looking at the actual numbers — spending lobby charges that the governor has proposed a miserly budget.

He found that, as usual, introducing reality into the discussion moves debate onto alien ground, at least for anyone relying on Democrat characterizations of state spending. "Gov. Schwarzenegger's proposed budget," DeVore reported, "spends more [in inflation-adjusted dollars] for every Californian than any prior budget in our state's history except for one year" under Gray Davis. "We are spending almost $3,000 per person in California" — up from about $2,500 per person when Pete Wilson took office.

The state Senate Judiciary Committee's Democrat majority, bowing to pressure from the litigation attorney lobby, killed proposed legislation to give business owners a chance to fix conditions on their premises alleged to violate the federal Americans with Disabilities Act (ADA). Trial lawyers use the Act, intended to insure business establishments provide "user-friendly" facilities for disabled patrons, to shake down business owners.

The lawyers, who donate heavily to Democrat political campaigns, file lawsuits demanding huge penalties be assessed against businessmen they say have violated the Act. Under current California law, the owners must either pay for expensive litigation or agree, guilty or not, to pay expensive settlements, with

lawyers pocketing much of the money. Simply addressing the problem, thus achieving the Act's intended purpose, won't avert a lawsuit for the business owner.

State Sen. Chuck Poochigian introduced Senate Bill 855 to end the attorneys' Democrat-sponsored legal extortion racket by giving businesses 120 days to meet ADA requirements. He cited Dave Mock of Mock Bros. Saddlery in Yucca Valley who "testified that he was forced to close his family business due to suits over alleged ADA noncompliance."

Poochigian said "When lawyers' fees hit $27,000, he shut down his store, even though he had already made all access renovations in just 10 days after learning of the complaint. His concern was that settling a lawsuit provided no protection against future lawsuits. Ironically, Mock Bros. was founded in 1941 by Archie Mock, Dave's uncle, a paraplegic who is now deceased."

Poochigian said "SB 855 went into committee with broad support from small businesses, members of the disabled community, and others impacted by ADA lawsuit abuse." Showing who their true constituents are, committee Democrats Gil (drivers licenses for illegals) Cedillo, Liz Figueroa, and Sheila Kuehl killed the reform on a party-line vote.

Assembly Labor and Employment Committee Dem-ocrats declined to vote on a bill (AB 822) to save California employers money by permitting them to pay employees through direct deposits into employer-created accounts their employees could then access using "pay cards." Democrats evidently want to sell their votes on this bill in exchange for business support for unrelated union-backed legislation. Pay cards will have to wait at least another year. CPR

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plains part of the public's surly mood. But it would be a mistake to dismiss Americans' unhappiness with the economy as simply a product of anger at the gas pumps. More likely, the people sense that we are losing control of our future — and they are right.

We have largely failed to answer growing competition from China, India, and the European Union. Instead, companies, capital, and jobs are being driven out of our country by excessive legal, health, tax, and energy costs.

We have an inferior education system. In California, for example, nearly one-third of public school students don't even graduate from high school. We can't control our own borders, and the number of illegal immigrants in our country now surpasses 10 million. Our best innovations are being stolen by intellectual property thieves across the world, at a cost of $250 billion per year.

America has always been the best place on earth to take a good new idea, advance it with accessible capital and highly skilled entrepreneurs, and establish great global industries that create markets, jobs, and prosperity. If we allow others to steal our best innovations, drive our capital markets off-shore, and fail to educate and train our workers, then we will kill what has been a uniquely American strength.

Only when we seriously address the tremendous competitive challenges facing our nation can we live in the best of times and actually feel good about it too! CPR

The Working Press

Media discovers a right to lie

The phrase 'academic freedom' is now so hollow and useless it extends even to Ward Churchill.

GEORGE NEUMAYR

WHAT PASSED for profundity in the media as it navigated its way through the Ward Churchill controversy in February was Voltaire's fatuous line, "I am willing to fight to the death for your right to express your belief freely." Stripped of its mindless piety, this position essentially means that people have a right to lie. Voltaire's line should read, "I am willing to fight to the death for your right to tell lies." It doesn't sound as grand and compelling then. It sounds absurd.

Ward Churchill, the University of Colorado professor who called some of the dead of 9/11 "little Eichmanns," is a faker and liar beyond caricature. Yet the media and modern academia's notion of "academic freedom" is so hollow and useless that it extended even to him. Notice that the entire discussion in the media coverage about Churchill was framed in terms of "his rights," as if universities exist primarily to provide platforms for jobless grifters to feed students lies. Forming students in truth — a very quaint notion at this point, I know — is supposed to be the organizing principle of a university. So shouldn't ensuring that students aren't taught by liars be the first, not the last, consideration when the media and academia mull over these matters? Shouldn't the welfare of students determine the outcome of these controversies? To the extent that academics even weighed this responsibility, they did so in the most cravenly superficial manner. Struggling for a rationale to keep this barbarian on staff, some of them said that exposure to Churchill's odious ideas was a good learning experience for students, a rationale they never trot out when the work of a conservative academic reviled by the media is at issue.

CNN's Aaron Brown discussed the Ward Church-

George Neumayr is California Political Review's *press critic.*

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ill controversy with guest Dahlia Lithwick of *Slate.com.* He asked a question of her that produced a perfect description of modern universities. Brown: "Just on the face of it academic freedom ought to embrace even dumb things, I suppose. Is that right?" Lithwick: "That's sort of the cornerstone of the notion of what university is about, Aaron."

THIS CORNERSTONE isn't exactly of an ancient coloring. It wasn't laid at Oxford, Bologna or Cambridge — the scholars who started these schools would be surprised to learn that the promotion of irrationality is the university's founding purpose. No, this cornerstone was laid more recently at, say, Berkeley, and on its wobbly footing professors have been giving impressionable minds the chance to experience stupidity ever since.

That embracing dumb ideas is the cornerstone on which universities are now built explains why those who exercise reason and demand the observance of rational standards are treated as the only real threats to academic freedom. It explains why tenured professorships are meted out not on the basis of intelligence but its absence — on a kind of promise not to use one's mind should it conflict with reigning academic dogmas. Playing dumb is now an academic job requirement. Literally dumb: you must not say or see certain things.

In the face of a nihilist like Ward Churchill, self-respecting professors in the past would have said: either he goes or we go. Now before a barbarian like this, professors and craven university administrators are speechless. When they do finally manage a few words, the only phrase that dribbles out is "academic freedom," a rhetorical reflex triggered by tremors in the spine.

As illustrated by hapless Harvard President Larry Summers' bruising at the hands of the media and his colleagues after poking his head too close to the buzz-saw of political correctness, "academic freedom" means just its opposite: not liberating the mind by conforming it to reality, but imprisoning the mind in politically correct fictions that guarantee ignorance of reality. While Ward Churchill could tell lies about differences between America and the terrorists, Larry Summers was forbidden to tell truths about differences between men and women in math and science. The Soviet-style confession notes extracted from Summers after a torrent of media coverage were his pledge never to think freely about these matters again. Summers even duly thanked his tormentors for re-educating him. Harvard's witches of feminism should have dragged Summers from Cambridge to Salem and concluded his re-education there. The irony of Summers' persecution for what in other contexts would be described as Voltairean free inquiry was lost on most liberals, who perhaps were too busy mourning the death of Arthur Miller, the playwright of *The Crucible.*

Tommy's Friends

The Dems are trying to find a way
They can get rid of Tom DeLay.
He's too rough and he's too tough
And now, because they've had enough,
They've gathered all their friends around
To try to beat him to the ground.
The media libs—The New York Times,
The Post, the Globe and other slimes
Like columnists out on the left
Now chop away with hatchets deft
In hopes that Tom's right-wing allies
Will drop away like swatted flies,
And leave him twisting in the wind
Because the left claims he has sinned.
It's worked before, therefore they think
They can shove him over the brink.
At times like this it all depends
On just how loyal are Tommy's friends.
In politics one thing you know,
Friends disappear when storm winds blow.

— by Joy Skilmer*

⚜ ⚜ ⚜

On Oscar night, self-important *artiste*-asses like Sean Penn laughed at host Chris Rock's labored and unfunny metaphor about President Bush's on-the-job incompetence but quickly stopped laughing when he mocked theirs. Most of you guys aren't real star ac-

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tors, Rock said, just "popular people." To his credit Rock turned his corrosive cynicism on his smug patrons, treating them as a collection of bejeweled phonies and hacks. This was "mean-spirited," according to much of the post-mortem criticism by television critics. But why was that any more mean-spirited than the bile Hollywood pours on Bush? A classless audience deserves a classless host. At least Chris Rock knows, unlike the Sean Penns, that he has no class, and suffers no illusions about Hollywood's essential idiocy.

The Oscars are nothing more than a comedy show at this point anyways, as its tragedies are so maudlin and false to reality that they can't move audiences to anything except inadvertent laughter. Most serious modern dramas are like oh-so-serious modern art, sources of unintentional humor that make the elite ooh and ah but ordinary people either scratch their heads or chuckle at the ridiculous pretentiousness of it all.

For all of Hollywood's fixation on youth and life, Oscar night showed that its real obsession is deformity and death. Not one but two pro-euthanasia movies won Oscars, Clint Eastwood's *Million Dollar Baby* for Best Picture and *The Sea Inside* for Best Foreign Film. This was existential escapist fare that celebrities who intend to deny the reality of death as long as possible couldn't resist. Wearing the death masks of plastic surgery — the faces they wish to be remembered by — the actors cheered these movies' success, finding comfort in their message that once life loses it carnal prospects some Dirty Harry will be around to help them peg out.

LIFE DEVOID of vanity and glamour is Hollywood celebrities' worst fear, and these movies suggest to them that perhaps they won't have to face it. While they will shed a tear for this or that disabled celebrity from the comfort of their theater seat, they certainly don't want to be disabled themselves — the disabilities of old age are an intolerable assault upon their dignity. Not that they don't revere the elderly, of course. Between feting these pro-euthanasia movies, Hollywood's luminaries did find some time to help raise money for the industry's old folks home and congratulate Clint Eastwood's mom who is in her nineties.

These movies, however, would suggest that a right to die is a duty to die, so perhaps Mickey Rooney and his friends better grab their canes and head out of town. Indeed, Hollywood treats euthanasia not as a tragedy but as a comedy in the classical sense: it is a happy ending. That is why Hollywood's depiction of euthanasia seems more comic than sad, more absurdist than tragic. By casting euthanasia as a happy, not unhappy, ending, Hollywood has managed to turn tragedies into comedies yet grows angry when anyone dares to laugh at the incongruity.

Art that spins suicide as a triumph of the human spirit can't be taken seriously. When cowardice is presented as courage and evil depicted as good, art has cut itself off from the reality it is supposed to imitate and becomes at best risible, at worst appalling. The defenders of *Million Dollar Baby* dismiss criticism of it as political. No, it is first artistic: the movie is bogus art because it falsifies reality, presenting a raw act of homicide as the moral good that in reality it isn't.

That *The Passion of the Christ* was almost completely ignored by the Oscars (in its comic superficiality Hollywood did consider the movie in the best make-up category, in which it lost to a movie by a gag artist) provided perfect symmetry for the evening: a precise rendering of the reality of Christ's death made the artists of Hollywood look away while the sham pathos of Clint Eastwood's euthanasia movie drew their most

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precious gaze. Artists are supposed to choose the real over the fake; Hollywood chooses the fake over the real.

Mel Gibson's movie drew scorn not because it wasn't real but because it wasn't fake. Had Gibson falsified the historical narrative, bringing it into line with Hollywood sensibilities, he would probably have won some Oscars. Nobody in the media seemed to have noticed that after a year of lecturing Gibson about "gratuitous violence," Hollywood ended up celebrating the ultimate act of gratuitous violence, suicide — a turn of events beyond the satire of Chris Rock. CPR

The Coastal Commission is unconstitutional

Designed to trample rights with impunity, this rogue agency operates exactly as planned.

HAROLD JOHNSON

YOU CAN'T delegate responsibility, goes the old saying. In other words, if someone is authorized to act in your name, you can — and should — be accountable for what that agent does.

Representative government is founded on this doctrine. Makers of public policy must be answerable to the people. But if they're not directly elected themselves, then at least they should be appointed by officials who are, so that elected officeholders can be held to account for how government treats the governed.

Unfortunately, one of the major currents of American political history for at least six decades has been the erosion of the accountability doctrine. In its place we now have the "administrative state" – *i.e.,* rule-making by bureaucrats not clearly answerable to the electorate or to anyone who has to face the electorate.

Franklin Roosevelt got the ball rolling by vastly expanding Washington's regulatory apparatus with an "alphabet soup" of organized meddling: *e.g.,* the Agricultural Adjustment Act, to tell farmers what to plant, and the Works Progress Administration, to tell businesses what to pay employees. Although such agencies are technically part of the executive branch, as a practical matter they've been autonomous centers of power over people, insulated from normal checks and balances.

Rule by regulators has also been steadily gaining ground at the state and local levels. A landmark date in this regard was 1972, when (pursuant to a statewide initiative) the California Coastal Commission was established and charged with guarding against what its proponents called "unbridled development" along the ocean's edge (and miles inland).

The Coastal Commission's structure and mission violated two venerable principles: That zoning and land-use decisions should be left to local government and that administrative agencies should have at least the appearance of accountability to elected officials in the executive branch of government.

THE ENVIRONMENTALISTS who designed the Commission didn't want then-Gov. Ronald Reagan to have ultimate say over its membership, so they denied him, and future governors, both the power to appoint a majority of the commission's board and the accountability for the board's actions that is an essential part of democratic government. Instead they gave the Legislature eight of the commission's 12 governing member appointments; the governor appoints only four.

The commission's crafters achieved their goal: A

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rogue agency not subject to the jurisdiction of any elective body (even the Legislature's influence was diluted because its appointments were split evenly between the leaders of the two chambers.) Consequently, the phrase "California Coastal Commission" has become synonymous with "arrogant," "hostile," and "unreasonable" as it has gone about its task of micromanaging what is done with private property and bullying the owners.

ALL OF the foregoing is by way of background to a potentially landmark case now before the California Supreme Court: *Marine Forests Society v. California Coastal Commission.* Oral arguments were heard in the case in early April. At issue is precisely the rogue structure and status of an agency deliberately designed to be beyond the second-guessing of government officials who must face voters. In a case brought by an Orange County environmentalist who had a promising project scuttled by the coastal panel, Sacramento Superior Court Judge Charles C. Kobayashi declared the commission's organizational chart to be unconstitutional. Because it writes and enforces regulations, the judge noted, it is an executive branch agency. Yet things have been arranged so that the chief executive — the governor — doesn't have ultimate say over its membership. He can't hold them accountable – and voters can't hold him accountable. All very nice and tidy – if you're a bureaucrat who wants to act like a divine right monarch.

The Third District Court of Appeal upheld Kobayashi's ruling; the Coastal panel appealed, so now it is up to the state Supreme Court to strike a blow for representative democracy by recognizing that the Commission violates separation-of-powers principles. Questioning by the judges at oral argument suggested that there may be a majority who grasp the threat to freedom in the current arrangement and have the courage to order a change.

A toast is due to the never-say-die plaintiff in this case, 73-year-old Rodolphe Streichenberger. He and his nonprofit Marine Forests Society laid an artificial kelp bed off Balboa Peninsula, using tubes and tires.

The experiment attracted sea life in abundance. But it also drew a depth charge from the Coastal Commission, which claimed that not enough bureaucrats had signed off on the project. Represented by Pacific Legal Foundation co-founder Ron Zumbrun, Streichenberger went to court — asking not merely for reversal of the commission's decision, but for torpedoing of the commission itself as an unconstitutional entity.

If Streichenberger's victory is upheld at the Supreme Court, the Coastal Commission may have to be dramatically restructured. Hurrahs over this possibility have been heard up and down the state because legions of property owners and local officials can tell tales of the agency's arrogance.

Nearly 20 years ago, UC Santa Barbara economist H.E. Frech III voiced some of the concerns that underlie Judge Kobayashi's ruling: "The law [establishing the commission] runs counter to the American tradition by transferring effective property rights of individuals to a state agency largely isolated from the electorate. Even more disturbing to the moral sense of many observers, compensation is rarely paid to the victims of the loss or devaluation of effective property rights."

The Commission has offered tutorials in how unchecked power invites abuse. The infamous commission member Mark Nathanson drew a felony conviction for demanding money from property owners seeking a favorable vote on their land-use requests. Also, when a member can pledge that his vote can be turned by what amounts to a bribe, it indicates there are no meaningful standards to guide decisionmaking.

The U.S. Supreme Court displayed exasperation with the commission's standardless procedures in an important 1987 decision, *Nollan vs. Coastal Commission.* The Nollans, owners of a dilapidated beach cottage, wanted to tear it down and build a house in its place. The commission said it would agree only if they granted a public easement across their property. That didn't fly with the Nollans — or the Supreme Court. It ruled that the Coastal Commission hadn't shown justification for tying this unrelated condition to approval of a building permit.

"In my experience, the Coastal Commission picks on little people who have no impact on the environment," Jim Fosbinder, a real-estate attorney in Venice told an interviewer.

HE CITED the case of an L.A. County homeowner punished for selling separately two pieces of land that the Coastal Commission had decreed must be sold jointly. "Both sites are subject to building prohibitions, so nothing is going to be put on them that obscures anyone's view," said Fosbinder. Yet the commission sued the landowner for tens of millions of dollars. Fosbinder alleged that the commission's action was in retaliation for the property owner's successful suit against the agency when it tried to stop him from building a single-family home on land sev-

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eral blocks inland from the coast. But whatever the motivation, it was a heavy-handed display of firepower for the offense of not selling two parcels as a pair.

Even many people not directly subject to the commission's dictates suffer an adverse financial effect. In 1982, Professor Frech of Santa Barbara, focusing on Ventura County, documented how the commission's land-use restrictions made housing and rentals less affordable as far as 7.5 miles in from the shore.

Because the aesthetic advantages of these land-use policies were confined to the area just around the coast, Frech concluded that people renting or seeking to buy in neighborhoods several miles inland were confronted with new costs without any compensating benefits. These people, the losers in the equation, tended to be less-well-off financially. He theorized that this is one reason that low-income people "were especially likely to vote against the Coastal Initiative" when it was on the ballot in 1972.

Years have gone by, but Frech's findings still apply: Coastal Commission land-use restrictions still make housing costlier than it need be.

There is a better strategy for aesthetic and ecological protection than the hyper-regulatory model embodied by the Coastal Commission. The superior approach was noted by the Supreme Court in the Nollan case, where Justice Antonin Scalia said that if government "wants an easement across (the landowners') property, it must pay for it." In other words, get the public sector to buy environmentally sensitive land, rather than to seize it, in all but name, through intrusive regulation.

Better yet, private conservancy groups could be encouraged to purchase and maintain lands that are appropriate for protection.

These strategies have the benefit of safeguarding not just natural areas but another of our fragile heritages: property rights and personal freedom. DFR

Those in power over us

Sierra Club identity crisis

Extremely green, a money-making machine, but with few real accomplishments to show.

M. DAVID STIRLING

DESPITE THE failures of hardcore environmental organizations to diminish George W. Bush's convincing re-election victory, several are again attacking the administration in hopes of obstructing the president's second-term environmental agenda. And, as the wildfire season in our forests rapidly approaches, the Sierra Club is again leading the effort.

OPPOSING HEALTHY FORESTS

The focal point of the Sierra Club's attack is the Giant Sequoia National Monument in south-central California. In a recent mailing to hundreds of thousands of households nationwide, Sierra Club Executive Director Carl Pope decries Bush's "Healthy Forest" logging plan for "allowing commercial loggers to blaze through ancient forests with chainsaws, cutting large, old trees" .... "The mighty Sequoias have lasted for over 3,500 years and are the oldest organisms on Earth. Don't let them be destroyed in just two terms of the George W. Bush Administration" .... "When industrial interests and the health of our natural resources are at odds, the Bush Administration chooses industry almost every time." The mailing asks recipients to sign and mail "Save the Giant Sequoias" peti-

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What the Sierra Club mailing didn't say was how it promoted and lobbied for the destructive 'human hands-off' forest management policies of the Clinton-Gore Administration.

tions to President Bush, to join the Sierra Club, and, of course, to send money.

What the Sierra Club's mailing didn't say was how it promoted and lobbied for the destructive "human hands-off" forest management policies of the Clinton-Gore Administration — an approach that led to the excessive build-up of dead and dying trees in our nation's forests. As a result, fires that in the absence of such dried trees would have stayed near the forest floor and burned mainly low-lying underbrush, instead "climbed" the dead and dying trees, reaching the crowns of healthy trees, and consumed them. Not only were those exceedingly hot fires difficult or impossible to control, they left the forest floor barren of the organic nutrients that conduce natural forest regeneration.

The Sierra Club's mailing certainly didn't mention that in 2001, when the new Bush Administration first began efforts to clear dead and dying trees, build firefighting access roads, and construct firebreaks, it was the numerous strategically-targeted administrative appeals and lawsuits by the Sierra Club and other environmental groups that delayed and prevented many sound and essential projects from going forward.

And, of course, the mailing failed to inform its recipients that in 2002 alone the Sierra Club-favored unsound forest management practices contributed to the conflagration of more than seven million forest acres, the destruction of countless numbers and species of wildlife, and the degradation of thousands of acres of watershed and forest streams: all natural resources the organization hypocritically says it defends. Naturally the fund-raising appeal also left out Southern California's 2003 fires that took the lives of 22 residents and firefighters, besides destroying 3,577 homes and nearly 745,000 public and private forest acres.

In the aftermath of those devastating fires — in a telling repudiation of the environmentalists' bizarre agenda — Bush's Healthy Forest Restoration Act was finally passed *unanimously* by the United States Senate and by the House of Representatives on a bipartisan 286-140 vote. It is the start of this forest restoration program in the Giant Sequoia National Monument — where, by the way, no old growth trees have been felled in many years — the Sierra Club is now exploiting to launch it's latest attack on Bush.

OPPOSING BUSH JUDGES

The Sierra Club targets more than just healthy forests. Another of its nationwide hit-pieces blasts the president's nominee to the Ninth Circuit Court of Appeals, William Myers III. Myers was one of a long list of judicial nominees minority Senate Democrats have been filibustering since 2004. At this writing, he is the first of Bush's "re-nominations" to be pending a full Senate confirmation vote. According to the Sierra Club, Myers' nomination must be killed because of his "record of hostility toward laws protecting the environment."

As Bush's top Interior Department lawyer, and earlier as a private lawyer in Idaho representing rural business interests, Myers has shown he knows the nation's environmental laws have been used to impose a harsh "pro-species — anti-people" bias, which, if not balanced, will lead to economic stagnation and increased loss of livelihoods, private property rights, and lives — both human and species.

To the Sierra Club's great horror, Myers believes that when the government prohibits or severely restricts a property owner's use of land because it is habitat for a protected plant or wildlife species under the Endangered Species Act, the government has taken the property for "a public use," *i.e.,* species protection, and therefore owes the property owner "just compensation." (The Fifth Amendment: "... nor shall government take private property for public use, without just compensation."

Yet, Myers' sound reasoning is anathema to the Club's "environmentalist" (*i.e.,* unrestrained government) politics. According to the Sierra Club's attack piece: "(Myers) argues ... that property rights are ... 'fundamental,' ... in which case the government may not intrude upon them, except in very narrow circumstances. This view ... would doom environmental protection." This is a telling statement. It shows that, although Americans support real environmental protection, the Sierra Club knows that their brand of arrogant Big Government environmentalism, pushing

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people around without regard for their rights, would be "doomed" without the help of unelected judges willing to ignore the legal protections afforded all Americans by the U.S. Constitution.

MONEY-MAKING FORMULA

According to GuideStar, the national database of nonprofit organizations, the Sierra Club, together with Earth Justice Legal Defense Fund (its legal arm), received donations totaling more than $66 million in 2003, ending the year with combined assets of nearly $160 million. Thus we find one explanation for the Club's fire-breathing, false diatribe attacking policies that actually protect the environment: they're reliable money producers, employing a proven formula to scare uninformed, gullible, or ideologically frenzied Americans into sending vast sums to fuel an unpopular, extreme, anti-human political agenda. And the Sierra Club, of course, is but one of several large, wealthy organizations using an "environmentalist" cover to finance left-wing politics. Even if their "little truth/big-scare" tactics don't actually derail the president's programs or deny his judicial appointments, they lose nothing they've had since Clinton-Gore anyway, and can be counted on to bring in millions of dollars.

THE EXTREME GREENS

A 2004 report entitled "The Death of Environmentalism" by environmental politics strategists Michael Shellenberger and Ted Nordhaus* raised a hue and cry on the left by characterizing the environmental movement of the last 15 years as largely a failure. "... environmental groups repeatedly have tried and failed," wrote Shellenberger and Nordhaus, "to win national legislation that would reduce the threat of global warming. As a result, people in the environmental movement today find themselves politically less powerful than we were one and a half decades ago." The authors cited a 2000 survey that found 41 percent of Americans agreed that "(m)ost of the people actively involved in environmental groups are extremists, not reasonable people" — a jump from 32 percent in 1996. Interestingly, the authors went beyond the usual Bush- and conservative-bashing to identify what begins to sound like close-mindedness among their own forces as the cause of their movement's problems. "Kevin Phillips," they wrote, "recently argued in *Harper's Magazine* that the decline of liberalism began because 'liberal intellectuals and policy makers had become too sure of themselves, so lazy and complacent that they failed to pay attention to people who didn't share their opinions.' .... Environmentalists find themselves in the same place today." That is: "... so certain about what the problem is" and about the correct "legislative solutions," that they come off, in public, looking, well, "not reasonable" and "extreme." What to do about this? "Environmentalists," they advise, "need to tap into the creative worlds of myth-making, even religion, not to better sell narrow and technical policy proposals but rather to figure out who we are and who we need to be."

This was all too much for the Sierra Club's Pope†, who panned the report as "unfair, unclear and divisive." Perhaps so, but not without a share of truth about a movement that increasingly seems more interested in building state power and diminishing human freedom than in the cause of healthy forests or wildlife protection. Bush's common sense approach of balancing environmental concerns with real human needs matches most Americans' position on these and related issues. Given the Sierra Club's evidently continuing insistance on opposing everything from Healthy Forests to judges who respect constitutional rights, it appears likely that even more Americans will come to agree that these folks "are extremists, not reasonable people." CFR

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* "The Death of Environmentalism," released at an October 2004 meeting of the Environmental Grantmakers Association (See: www.grist.org/news/maindish/2005/01/13/doe-reprint).

† "And Now for Something Completely Different, An in-depth response to 'The Death of Environmentalism,'" 13 Jan 2005, (also at: www.grist.org/news/maindish/2005/01/13/doe-reprint). His response appears to speak for much of the environmentalist community.

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MAY/JUNE 2005

SPIRIT OF THE RECALL

CPR's BI-MONTHLY REPORT ON CALIFORNIA'S 'BLOW UP THE BOXES' REVOLUTION

Don't forget the people
by Christopher Shelton

At this writing — early May — Governor Arnold Schwarzenegger's initially four-pronged reform program for California seems to be morphing into a pair of diverging movements, one headed down, the other up. They are:

1) the governor-led effort that suddenly finds itself, after more than a year of aggressive agenda-setting and buoyant public support, unable to focus or to give even the appearance of leading while seeing the governor's popularity (at least as expressed in opinion polls) decline sharply; and

2) the mostly forgotten, but now possibly re-emerging popular reform movement that brought about the recall in the first place. This movement which, of course, pre-dated Schwarzenegger's decision to run for governor, has now — despite Schwarzenegger's flagging leadership the last several weeks — nearly qualified two landmark initiatives: the first would reform redistricting to end lawmakers' self-interested drawing of their own district lines; the second — known as "paycheck protection" and not part of the governor's original reform package — would end state government's practice of taking from public employees' paychecks money to finance union (usually left-wing, nearly always pro-Democrat) politics.

Ever since his grandstand announcement of candidacy on late-night TV, Schwarzenegger has commanded virtually everyone's attention, as he continues to do now. And, as leader of the movement, he has, of course, played a pivotal role in setting its specific direction, maintaining its momentum, and articulating its message. But Schwarzenegger is still by no means the whole movement by himself. In addition, he has led it far enough that it has shown signs of an ability to survive and perhaps even grow on its own. Anyone wanting to understand California's post-recall politics, while scrutinizing the various battles directly involving the governor and his immediate adversaries — both within and outside his administration — must also keep an eye on the movement (that is, the millions of people fed up with most of what they see from state government), tracking the activities of its secondary leaders, most prominently Tom McClintock, but also including Lew Uhler, state Senator John Campbell, and Ted Costa, and watching for emerging new leaders such as Bill Mundell, the Orange County businessman who personally financed a 2.4 million-piece mailing gathering signatures for redistricting reform. And don't forget its popular voice on talk radio and on the Internet.

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Champion attention-grabber

But first, as to Schwarzenegger: as in everything, he still shows he is champion at attracting our attention. This time, however, it is for successfully imitating an Indy race car dazzling one and all with its speed, style, grace, and sheer command of the situation and then suddenly, shockingly losing its wheels and skidding toward the grandstands. Perhaps a more accurate metaphor — since this is really a team sport, and two teams are involved — would be to a football game in which, you'd have to say, the end-of-first-quarter score is Democrats 17, team Schwarzenegger 0. Given

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the latent strengths the governor's team can bring to the field, this aspect of the game can still go either way, or end in some sort of muddled tie. Still, the governor and those who wish his reforms well have serious cause for alarm. Right now, the Schwarzenegger tote board looks pretty dismal:

- "Blow up the boxes" — the much-heralded, extremely well done California Performance Review which laid out detailed plans to reorganize state government — has vanished without a trace;
- the initiative to institute merit pay for public school teachers and otherwise reform state education is not collecting signatures;
- the initiative to reform and revise the outlandish, gold-plated state employee pension system has been withdrawn from circulation and is being re-tooled for next year;
- budget reform — arguably the centerpiece of the whole Schwarzenegger program to replace Gray Davis with a political outsider ready to end chronic Sacramento misgovernment — was simply dropped in all but name when the governor chose a few weeks ago *not* to endorse Senator John Campbell's spending cap (and "Sinclair Paint"-reforming) initiative, in favor of a toothless measure unlikely to send even a ripple through a corrupt spending process only a tidal wave could fix.

That left redistricting reform as the sole surviving element of the governor's original "big four" reforms. And in a particularly bizarre turn, the governor indicated a willingness to retreat even on that front at a scripted "Town Hall" meeting where he reportedly told supporters he hoped for "a legislative solution" — negotiated with the very people whose scalps he proposes to take — and in effect saying he's wide open on the question whether the date reform will take effect "should be 2006, whether it should be 2008, whether it should be 2010." This astounding statement, which the governor's press secretary said she "did not believe ... broke new ground," represents either a failure to comprehend or a repudiation of the very popular movement that made Schwarzenegger governor.

The governor's real strength

The governor's only real strength is the peoples' discontent with the Sacramento *status quo* and their faith in him to shake it up. No popular movement can be sustained on a promise to put off doing anything for as long as half a dozen years. What becomes of the argument for change overall if we can comfortably live with things as they are

until after even a re-elected Gov. Reformer would leave office? And what is left of the "outsider" who repeatedly pleads with the *insiders* to be given a chance to cut a deal with them, even going so far as to promise pre-emptive surrender on key points, showing an almost pathetic desire to give in on anything that might allow him to avoid what a genuinely bold reformer would see as his first tactical objective: a chance to take his case directly to the people whose interest alone is not served by the corrupt insider political culture the whole reform movement was launched to overturn? In a matter of a few weeks, California's former action hero has transformed his image into that of a Stockholm Syndrome hostage seeking to please the very enemy he began by denouncing and set out to defeat.

Just a month ago, things were far different. Schwarzenegger still seemed the California political colossus, swatting aside Democrats and their objections like so many pesky mosquitoes at a picnic. The Democrats, while talking a good game, were still a bit cowed by the governor's public approval numbers and by his *persona* in general, which can be overpowering in person. But then two factors changed the equation. First, the Democrats and their allies did much better advance planning than did the governor's side. The second factor is confusion and conflict within Team Schwarzenegger.

Democrats on war footing

It is now known that Democrats went on a war footing as soon as the governor announced his "four reforms" in his State of the State address in January. Top Democrat legislative leaders, their allies in the teachers and public employee unions and like-minded interest groups and Third House entities started meeting in January to map out long-range plans aimed at blunting what they saw as the governor's considerable momentum. Representatives from Treasurer Phil Angelides and At-

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torney General Bill Lockyer also attended some of these meetings. It's been whispered that Controller Steve Westley wanted into this war room, but was vetoed by more than one participant because of his public tours with the governor last fall to help sell the spending controls on the November ballot.

A knock-out punch?

What you saw unfold in March and April — pickets showing up at Schwarzenegger appearances, nurses in uniform heckling his speeches, billboards calling him a liar, and teachers union members doing likewise in TV commercials — was all planned and budgeted in January and early February. By Valentine's Day the mood among Democrats who knew what was to be unleashed was, if not buoyant, at least cautiously optimistic. At this writing, these Democrats are ebullient. They had initially hoped to take some of the edge off of the governor and the appeal his reforms held for voters. They now think they are in a position to score a knock-out punch — deflecting most if not all of the reforms while simultaneously placing Schwarzenegger's re-election in serious jeopardy.

Contrasted to this detailed, political campaign-like planning, Team Schwarzenegger seems a victim of hubris, poor planning, and just plain bad luck. The team that mapped out this strategy for '05 — bold and daring reform proposals in the State of the State address, introduction of same in a recalcitrant Legislature, circulation of initiative petitions to have voters enact the reform proposals if lawmakers refused to do so, and a grand finale special election in November — was essentially the same team that had swept Schwarzenegger into the governor's office in the first place. They all are well-seasoned, well-respected political professionals. The recall campaign they directed was masterful, as the results attest. Indeed it is hard to believe the same group devised both the well-oiled recall and the ham-handed, tone-deaf effort for the four reforms.

Perhaps the recall cakewalk made the governor's political handlers less careful and meticulous than they would otherwise have been. The governor and his team seem surprised at and unprepared for the opposition's vicious shrillness. This is excusable, perhaps, in political newbie Schwarzenegger, but should have been assumed as inevitable by his highly-paid political consultants. Anyway, it evidently wasn't, which has given Democrats an advantage in the battle's opening weeks. Frankly, however, given the normal ebb and flow of campaigns, this should have been no big deal, and wouldn't have been, except for the second factor that changed the equation — dissension on the governor's team and infighting in the office.

Though labels can be misleading in cases like this, the basics pit political consultants and gubernatorial staff who want to "let Schwarzenegger be Schwarzenegger" — meaning full scale war with the Democrats — and a more liberal-leaning group that favors accommodation and taking half-loaves to avoid contention and confrontation.

The identification of combatants among the political consultants has so far remained closely guarded. But among Capitol staff, the lines are more clearly drawn. It is believed the "war party" includes Chief of Staff Pat Clarey; Legislative Director Richard Costigan; and Communications Director Rob Stutzman. Various sources say the leading staff "accomodationists" opposing them are Cabinet Secretary Terry Tamminen and Senior Advisor to the governor Bonnie Reiss. Though personally close to the governor, the very liberal Tamminen would not have enough clout to carry the day internally were it not for a very important thumb on his side of the scales — that of first lady Maria Schriver.

Republican legislators and GOP-leaning Third House members have complained for some time about the "weekend effect": the disconcerting way strategic or tactical agreements reached on Friday between the governor and his staff and allies have of softening, sometimes almost melting away completely, by the time he returns to the Capitol on Monday after a weekend with the first lady. A lot of Capitol insiders believe this force/counterforce dynamic pulling the governor both toward and away from his own reform mandate has now spilled over to stir real battles inside the "horse shoe" where the governor's senior staff reside. The result, more often than not, has been stalemate and/or conflicting signals with regard both to legislative matters and the campaign for the four reforms.

'Meltdown' theme is overdone

So Democrats have been riding high as despairing Sacramento Republicans watch the "meltdown" of the once-invincible Schwarzenegger juggernaut. As usual, both the Democrats' public giddiness and Republicans' more private moroseness

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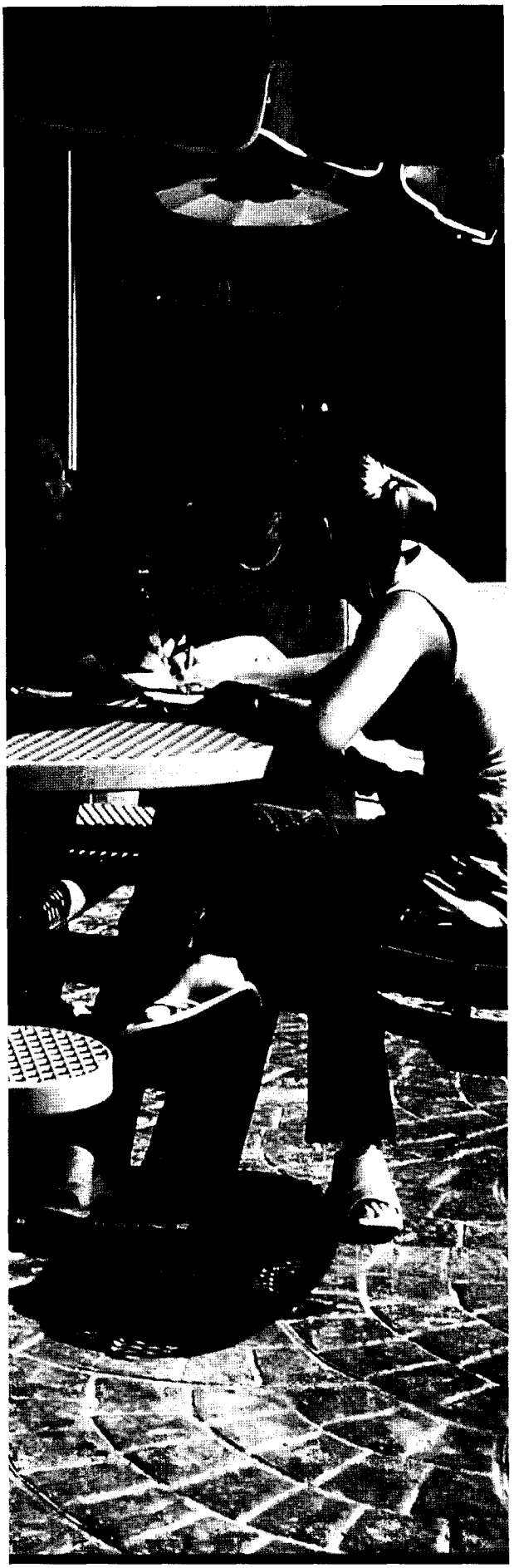

A terrible thing to waste

Why liberals want the high school exit exam quashed

Or: How the peoples' employees entrusted with running the public schools wasted ten years chasing never large enough billion dollar budget increases while doing nothing to help kids learn.

by Ray Haynes

More than a decade ago, Californians decided they were dissatisfied with the quality of the education their children were receiving in the state's public schools. Under Governor Pete Wilson and, later, Gray Davis, a program was designed to raise teaching standards and to track the program's effectiveness through testing. The schools were given five years to prepare to turn out

Ray Haynes represents California's 66th Assembly District.

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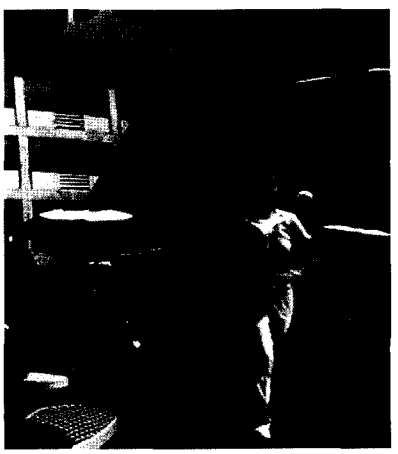
better educated students. The children deserved it; parents — and the rest of the citizens of the state — demanded it; and the peoples' employees — the government officials, teachers, and school administrators the people hire to run their educational system — were tasked to get the job done. Now, as I write this, in a more than usually honest, even blunt admission that these public employees have utterly failed to meet the mandate their bosses, the people of California, handed them, Democrat state Senator Gloria Romero demands (in a bill, SB 517) that the Legislature delay a critical part of the program: pre-graduation testing of California's high school seniors. (The truth is, this testing element is about all that remains of the original program crafted under Wilson and Davis. What happened to the rest of it I will get to a little later.)

IN DEFENSE of her bill (SB 517) to delay testing, Senator Romero in part argues (in the words of the legislative counsel's digest) that: 1.) "The number of pupils who are at risk of failing the state's high school exit examination is likely more than 100,000 statewide" — out of about 200,000 students expected to take the test; that

2.) Significant numbers of pupils lack "their own standards-aligned instructional materials to use in class" or "to take home for homework" (Standards-aligned instructional materials are those specifically designed to prepare students to pass the high school exit exam); that

3.) "dramatic spending gaps [exist] in teacher salaries within districts, with more highly paid teachers and, therefore, more experienced and highly credentialed teachers, concentrated in more affluent and white schools," and, further, that "Pupils of color and pupils from low-income families receive, at a disproportionately higher rate, instruction from underqualified teachers who have not been trained to teach the state's content standards," *i.e.*, the standards tested by the exit exam; that



4.) "... about one in every eleven California teachers" have been found to be "underprepared and teaching without benefit of having met the state's minimum qualifications, and without training to teach to the state's content standards"; that

5.) "There are far more of these underprepared teachers in schools that have high failure rates on the high school exit examination" than in those with lower failure rates; and that

6.) "California ranks last in the nation in the ratio of pupils to counselors at 954:1," Romero adding that "school counselors serve a vital role in promoting pupil achievement ...," implying that since California is so stingy with counselors, students' are needlessly hobbled in taking the tests.

The senator has more to say, but these are her most damning charges, and quite sufficient to make her point. Leaving aside, for now, whether all these factors really do explain the astounding total of some 100,000 students expected to fail the exit exam, the obvious question pushes itself forward: what in hell have lawmakers, bureaucrats, administrators, and teachers been doing all these years that the tests should arrive like a thief in the night, with its victims all unprepared in so many egregious ways to pass it?

Perhaps I should have mentioned something earlier: this "high school" *exit* exam is not a test of 12th grade level academic skills. Nor is it an 11th grade test. It is not even a 10th grade test. The dread ordeal that threatens 100,000 of California's public school *12th* grade *seniors* with failure and a year or perhaps more of remedial learning before they are presented the coveted "high school" diploma is a test of *9th grade* skills — those supposedly achieved within a single year of *entering* high school, with three years still to go!

The reason Senator Romero can provide estimated numbers of students expected to fail the test, by the way, is that practice tests have been administered to students statewide since 2001. Beginning with tellingly modest expectations, the first tests were designed to locate students with at least a 10th grade education. The results were a disaster. Eighty percent of the students failed. The teachers union and school administrators responded in a way that has become more or less routine: they sabotaged the test (already two years below

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actual high school graduation level), "renorming," *i.e.*, lowering, the passing requirements by another year, to ninth grade level. Forty percent still failed.

The California education establishment's reaction to initial poor test scores provides the broad answer to the question what the peoples' trusted stewards have been doing to implement reform all these years. Senator Romero again supplies the answer in her proposed remedy for the desperate situation she describes: drop the test altogether, at least until all the short-comings her bill enumerates are made right. When the education is up to par (by her measures), then the kids will have a fighting chance to pass. Test them then.

What in hell have lawmakers, bureaucrats, administrators, and teachers been doing all these years that the tests should arrive like a thief in the night, with its victims all unprepared to pass it?

Senator Romero's "solution" ignores the years already wasted by educators and legislators that were incorporated into the reform timetable precisely to permit the great and powerful to address such systemic failings as Romero is now shocked, shocked to discover holding kids back. If nothing was done to improve the education California kids receive with the test looming on the horizon, what makes the senator think reforms will be forthcoming with the only incentive to do something removed? The purpose of testing is to gauge where we are; the senator apparently believes the practice tests have told us: nowhere. And, her bill implies, the reason we find ourselves nowhere is that *taxpayers* (and the Republican office holders who try to represent their interests) have been impossibly stingy with everything from "standards-aligned instructional materials" to qualified teachers and counselors. Her critique follows politically correct fantasy by ignoring the record.

The nonsense about taxpayer stinginess can be disposed of quickly. Current spending on K-12 schools is about $52 billion and constitutes 60 percent of California's state government budget. In the fat years between 1995 and 2001, Governors Wilson and Davis gave the schools the lion's shares of the surpluses, often far in excess of already very generous legal requirements, in order to insure excellent schools. The school establishment happily took the money ... and demanded more. In 2000, for instance, after Governor Davis proposed increasing California's per pupil spending from $6,045 to $6,313, the California Teachers Association proposed a ballot measure requiring per pupil spending be increased to $7,583. In early May of that year, 8,000 teachers demonstrated for more money at the state Capitol. The next day, Davis and Democrat lawmakers, according to a *Los Angeles Times* report, "agreed to shift more than $1.8 billion to local schools, primarily for teacher pay hikes," money that "will become a permanent part of the school spending base." CTA, having won its point, then dropped its proposed initiative.

BUT WHEN it was clear between 2001 and 2004 that the state's budget was in deficit, the education lobby reacted as though the hugely increased budgets were (and always had been) contemptibly inadequate, the barest minimum a skinflint state could expect its children to get by on. They continued to demand that they receive more than the law requires for schools, demanding that other programs be cut or taxes raised, freeing the schools from bearing even a slight share of the burden of straightened economic times.

Had the schools received what the law

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requires in the fat years, the funding level Governor Arnold Schwarzenegger has proposed for education in his new budget would satisfy state law's already generous — I reiterate — requirements for schools funding. However, because the education bureaucracy received *more* than the law required before, its lobbyists and spokesmen now excoriate the governor for "breaking his promise" to give them $2 billion *more* than they actually received. Bear in mind, the governor's budget proposal calls for a *$3 billion increase* in spending over last year, but the education lobby wants *$5 billion more*. A huge raise every year would satisfy most people, but California's education establishment takes these raises for granted and demands more. If you hesitate about handing over the money, expect to see 8,000-strong demonstrations in the Capitol and starving students on statewide television all blaming you for betraying our children. Senator Romero's assault on high school exit exams falls directly into the well-established pattern. Consider some of the history that has brought us to this point.

By the early 1990s, California's schools had somehow lost a clear idea of their mission. The schools were operating under broad guidelines setting out what a child ought to learn, but with no real roadmap for academic growth. As a result, the schools were being caught up in education fads: "whole language" reading, "new, new" math, supposedly temporary "bilingual" instruction that turned out to be permanent almost exclusively native language instruction; science that somehow spent so much time on scientific "process" it never managed to teach much scientific knowledge. Unsurprisingly, the children subjected to this system couldn't read, learned little math, history, or science, and, too often, could not speak English. It was a disaster.

In 1994, after he won re-election, Governor Wilson began the campaign to improve the schools. He worked diligently to implement a perhaps surprisingly simple plan: California's schools would focus on academics, high standards would be set for student achievement, and the adults in the education system would be held accountable for meeting the plan's goals.

First emphasis went to academics and standards: to shifting education professionals' focus away from feel-good "self-esteem" programs over to solid academics with an established set of achievement standards that challenged students to learn. Senator Romero's proposal to abandon high school testing, as we've seen, ignores all these previous efforts to strengthen student performance by setting and enforcing academic achievement standards. Instead, it comments, fantastically, on the schools' educational shortcomings as though the only element ever involved is "funding" which is always "inadequate." But the education establishment, whose interests and arguments Senator Romero champions, has never so blithely ignored the issue of academic standards. Indeed, its forces have been in the thick of the fight over those standards, opposing their establishment bitterly at every step.

From 1994 to 1998, the state school board was in a constant state of war with educational bureaucrats. Wilson's appointees fought hard to set real standards in math, reading, science, history, and other meaty subjects. Their opponents were always the unions and the administrators.

From 1994 to 1998, the state school board was in a constant state of war with educational bureaucrats, unions, and liberal ideological soul-mates. Wilson's appointees fought hard to

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set real standards in math, reading, science, history, and other meaty subjects. Their opponents were always the unions and the administrators. Board members like Janet Nicholas and Bill Lucia, mostly unknown to the general public, fought day in and day out for a solid school system, and they largely accomplished what they set out to do: set real academic standards for our schools.

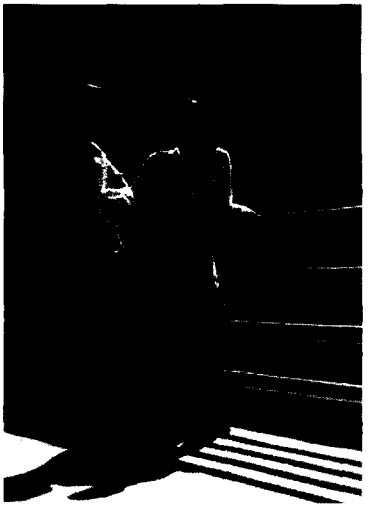
The last step was to introduce a system of accountability, to track whether the schools really were teaching what the state asked them to teach. Can every third grader read? Does every student know, by the end of the 11th grade, what the First Amendment to the Constitution says? — and the like. The only way to track progress, identify problems, and discover whether or not the schools are doing their job is to test students every year.

And the teachers' union and the administrators howled. They didn't want students tested. They didn't want objective measures of a students' progress. If students were actually tested, people would know that the student didn't know anything, and people could hold the teacher and the principal responsible. On the last legislative day of the Wilson administration, Democrat lawmakers killed the Wilson accountability package.

Then along came Gray Davis. He called a special session on education, and essentially took the Wilson accountability program as his own. He proposed it to the Legislature, and even called every legislator (including me) to get their input. A good start to his governorship, that turned out, unfortunately, to be largely symbolic. Under intense pressure from the education establishment and from his own Party's office holders, Davis soon abandoned most elements of the program — which included testing every student in every grade and reporting test scores by classroom, requiring every school to report the scores, and giving incentives to good schools and punishing bad schools.

In the end, he made the incentives program voluntary, did not allow the test scores to be reported classroom by classroom, but rather school by school, and allowed the "academic performance index" (API) to include information other than academic test scores. Evaluating the adults under this system became so watered down that little meaningful data about the performance of schools could be gleaned from resulting reports. In late summer of Davis' first year, *Sacramento Bee* columnist Dan Walters summed up the governor's education reform package unenthusiastically: "For all the puffery and self-congratulation issued by the Capitol's politicians this year, they really haven't done very much. There was a little flurry early in the year when the Democrat-controlled Legislature, wanting to make nice with a new Democratic governor, gave Gray Davis four education-reform bills. But the price of rapid action was diluting the measures into little more than symbolic gestures." Education establishment one, school reform zero.

ACTUALLY, NOT absolute zero. One key component of the program did survive: the high school exit exam, which students would be required to pass as a condition of graduation. The idea, as we have seen, was that every high school student demonstrate a basic level of education. More to the point, it was to prove that the school system was making real, significant progress away from the failed educational morass of the "feel good" era and once again serving the purpose for which Californians made so many sacrifices in sending so much of their money in taxes to the state for education. As finally enacted, the exit exam would be administered for several years, tested for its validity, and finally take effect in 2004 (the Legislature having added a year to 2003, Davis's proposed effective date). Thus schools would be given five years after the test was enacted to prepare to teach every student well enough to pass the test. It should have been more than enough time.



The first tests, in Spring 2001, showed how bad things were. As mentioned above, 80 percent failed. The next year, after the test was "renormed" (dumbed down), 40 percent still failed. In 2003,

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opponents of education reform pressured the state Board of Education to delay the test's effective date to 2006, which it did. Now, as we have seen, Senator Romero wants the tests delayed indefinitely. By the way, an Assembly bill — AB 1531 — has been introduced by Assemblywoman Karen Bass (like Romero, a Democrat representing part of Los Angeles) to "allow school districts to create a performance assessment ... to test proficiency in English language arts and mathematics and to use the assessment *as an alternative to, or in combination with*, the high school exit examination." *(emphasis added)* In other words, any district whose bureaucracy chose to do so could dump the exit exam.

AND THAT'S where California stands as I write. Throughout this rather bizarre history, the most intransigent, determined enemies of improving education have been the very people who have profoundly dedicated themselves, as they tell it, to placing the children and their education ahead of every other consideration. As Senator Romero says in her bill: "When high numbers of youth leave school ill-prepared to contribute to our labor force and to civic life, our economy and our democracy suffer. The Harvard report ["Confronting the Graduation Rate Crisis in California"] found that the 66,657 pupils who were reported as dropouts from the California public schools in 2002-03 will cost the state $14 billion in lost wages." Who could say it better? So does Senator Romero think it is doing these kids a favor to hand them *12th grade* diplomas when they cannot pass a *9th grade* assessment test? The problem is not leaving school without a diploma, but leaving "ill-prepared to contribute to our labor force and to civic life." It isn't the scary possibility of having to go back and receive a real education; the real problem is "$14 billion in lost wages" — wages these uneducated "graduates" will have to live without as they grow older, having missed the one opportunity to prepare to earn those wages during their high school years, deprived by a system whose notion of compassion is to sweep its own failures under the rug while duping the children who depend upon it into believing they have been educated when they have not.

At every turn, when honest reformers tried to improve the quality of our schools, it was the unions, lobbyists, organizations, and lawmakers who make a living supposedly representing teachers and students that consistently demanded two things: (1) more money for themselves and (2) no accountability. The current manifestation is to demand a suspension of the high school exit exam. Think of it: suppose, at your job, 40 percent of everything you did was defective. Do you think your boss would give you a raise or a pink slip? The people in charge of our education system believe they deserve a raise for their dismal performance and are putting millions of dollars into TV ads demanding that raise.

The exit exam is doing its job, gauging where we are: turning out high school "graduates" without high school educations. But the adults making money off the education system have no shame. They've designed a system to make sure only that the cash flow continues. The only time these vultures want to discuss the quality of California education is when they want more money or less accountability. Then the squeal begins: you're endangering the children, you're short-changing the children, you're forfeiting our future — the hope of the world — out of mean, nasty greed and selfishness.

But let the flow of currency continue with regular increases, and concern for the children and the future and the world ceases to find voice with them. While the cash keeps coming, nothing stirs them to protest: not failing grades; not poor, even terrible, even embarrassing test results; not high drop-out rates; not an endless series of unmet educational goals — nothing having to do with actual learning or the children or the future. They have no shame. CPR

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Real women, real lives

True Feminism

by Kathleen O'Connell-Sundaram

California Catholic Women's Forum 'True Feminism for Real Women' conference in Silicon Valley.

"The hour is coming, in fact has come, when the vocation of women is being acknowledged in its fullness, the hour in which women acquire in the world an influence, an effect, and a power never hitherto achieved."

— Second Vatican Council, 1965

For women of every age group today, these words appear to have been prophetic. But their meaning is far from crystal clear: what, after all, *is* feminism? And, more specifically, is the feminism defined by our society in its political, legal, and broad public policy arenas actually true feminism? Last February, the California Catholic Women's Forum convened a one-day conference entitled "True Feminism for Real Women, The Church's Perspective." More than 90 women attended the gathering in Silicon

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Valley. The invitation asked women to "come to a conference on our dignity and vocation as women in today's world," based on the principles outlined by Pope John Paul II in his 1988 Apostolic Letter *Mulieris Dignitatem* ("On the Dignity and Vocation of Women"). The participants represented a wide spectrum of political ideas, education, ethnicity, age, and occupation.

Many attendees, I should note, were repulsed by the very term "feminism." For them and others, the word is charged with passion and freighted with memories of lives lived under its influence, women with profound, personal experience of its effects. However, the disdain for the word is mixed with a desire to face and deal with its consequences.

The conference was not about getting women in touch with their feelings of anger and resentment and so did not deteriorate into a complaint session. It was about asking "who is woman?" Is she defined in some collective way by the world around her? Or is she an individual possessing a unique genius and value apart from her "role"? Must she define herself in comparison and contrast with men? Or does she share an equal dignity rooted in complementarity? Must she value herself exclusively by her ability to produce economic value? Or may she value her contribution to culture and civilization? Can women benefit society by bringing to problems in the business world, volunteer world, and the home a perspective that considers the dignity of the whole person and expresses solutions from the heart?

Rebecca Tetti, whose discussion of John Paul's letter was warmly received by the conference, is program director of the Center for Integral Formation and a contributor to *Faith and Family* magazine. She highlighted John Paul's emphasis on the anthropology of women, considering the ideas of complementarity with men and of woman as a reflection of the image and likeness of God. She argued that the "battle between the sexes" is a myth and that woman is equal in dignity and necessary in her complementary role with man. Mrs. Tetti said woman is uniquely equipped to emphasize each person's dignity and value to humanity.

Marjorie Campbell, a mother and, formerly, a professor at McGeorge Law School and the University of Cincinnati School of Law as well as a bankruptcy and criminal litigator, examined the history of the women's movement and described her own personal history as a one-time, self-described "hardcore feminist" who titled her application essay to Yale Law School: "Abolishing the Nuclear Family." She said the movement included much that was good: winning the right to vote; ending workplace inequality in hiring, pay, and treatment; ending child labor; and also much that does harm: abortion, divorce, and one-parent-headed families.

"Feminism crept far, far from its purpose of giving women their dignity," she said. "It turned in on itself and it began consuming women." She said the "women's movement became openly hostile to religion, leaving no spiritual base and instead embraced a new system that replaced mysteries with injustices to address the fundamental question: what is the meaning of my life?" Women, she said, require healing from feminism's harmful effects and urged kindness and understanding toward women wounded by the movement.

The conference was advertised in many venues (including articles in the *San Jose Mercury News* and the *National Catholic Register,* as well as in church bulletins and by word of mouth through women's groups). This resulted in a philosophically and ideologically-mixed cross-section of attendees. And that, in turn, led to lively discussions during breakout sessions. One unhappy participant said the conference was about "setting women back." A look at evaluation sheets turned in at the day's conclusion, however, shows participants' reactions were overwhelmingly positive. Some said they had feared a message consisting only of: "just stay married, barefoot, and pregnant"; but were pleasantly surprised and impressed with the frank exchanges and open discussions the conference afforded.

Judging by this gathering, women are becoming less susceptible to, and less tolerant of, the trite phrases used in the past to rally them into a collective force. They are ready for greater introspection about the "feminism" that has profoundly impacted their lives both positively and negatively. They want feminism to serve women, not serve as a vehicle for mobilizing women in service to various political agendas. And they are ready to look deeply into what John Paul II emphasized as woman's created nature: a nature acknowledged in the fullness of each woman's specific vocation and permitted and encouraged to be a positive influence in society. They want to pass this positive influence on, especially to their daughters. CPR

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The Challenges of a Leader

A commencement address

William E. Simon Jr.

Dean Zupan, members of the faculty, and of the Rochester community, honored guests. I want to share with you today some ideas about leadership considered within the special context of the University of Rochester and more specifically, the Business School here that my family is so proud to support, that bears my father's name, and at which my brother Pete chairs the advisory board.

The Simon School's vision and focus have always been entrepreneurship. Entrepreneurship is always challenging, especially now in a time of accelerating change driven by globalization, technology, and dramatic political upheavals worldwide. So today, I want to identify three core challenges of leadership. I believe that preparing to meet them will help you to succeed in these turbulent times.

First, leadership is, above all, a test of character.

Second, leadership is lonely — be prepared to be judged wrong before you are right; to fail before you succeed. You've heard the expression, "It's lonely at the top." But it can also be lonely on the journey ... lonely along the way.

Third, leadership is a paradox — you often lead most effectively by listening and you will succeed by serving.

The cliché in remarks like these — that you are entering a world of opportunity and challenge — happens to be correct. We do live in a time of unprecedented challenges and opportunities. We live in a world dramatically and forever changed by September 11th. Until 9/11, the public and the press didn't talk much about anthrax. We didn't have to worry about airplanes being turned into missiles, or weapons of mass murder coming across our borders, into our ports, and into our subways.

2002 Republican nominee for California governor, William E. Simon, Jr., serves as co-chairman of William E. Simon & Sons, a private investment firm and merchant bank, of the William E. Simon Foundation, and of the Cynthia L. and William E. Simon, Jr., Foundation. Mr. Simon's remarks were delivered April 6, 2005.

As Americans, we didn't feel the hot breath of people who hate us, the sharp teeth of those who want to destroy our traditions and heritage. Well, today, we do. That is why I believe the first and paramount challenge in a post-9/11 world is not one of economics, or of policy, but of character.

Thomas Jefferson's admonition two centuries ago that "the price of liberty is eternal vigilance" has never seemed more timely. Now, eternal vigilance does not mean becoming a vigilante. Eternal vigilance does not mean surrendering your good sense and judgment to emotion and hysteria. What it does mean, I would suggest, is understanding the importance of protecting all that is meaningful and that matters — from your families, friends, and colleagues at work, to your community and country, and more fundamentally, your faith and freedom.

One of the most visible changes that followed 9/11 was the thought and attention people began giving to making sure that their priorities were right. We all became more aware of the preciousness of time. We all became more aware of safety and security. We all became more aware of loyalty, *friendship*, faith, and family. As Ben Franklin used to say, "When the well is dry we know the value of water." When we realize time is fleeting, suddenly every day assumes greater value. Suddenly what matters most at the end of the day is not necessarily: did I seal the deal?, but: was my day well spent? Did I live with a sense of purpose? Was it clear that I stood for integrity? Did I make the effort to contact friends, to help someone in need? Does my family know, without any doubt or reservation, how much I love them? Have I sought to develop my relationship with my Creator?

When your lives are centered, really centered, when you are guided by high purpose and ideals, no day will be wasted, and you are likely to command respect as leaders in whatever you do. Just as importantly, you will make a difference to the people that cross your path, to

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Virtually every new idea evokes three stages of reaction: One ... it's impossible. Two ... it's possible, but not worth doing. Three ... I said it was a good idea all along.

the enterprise you embrace, and to the institutions to which you pledge allegiance. "Even in the midst of winter," Albert Camus once wrote, "you will have an invincible summer within you."

On the other hand, even if your talent and ambition are unsurpassed, even if you are on the fastest track to wealth, rank, privilege, and power, if you lack character, your new-found authority and position will have all the permanence of quicksand, as will the reputation and credibility of your enterprise. Success without character is an accident waiting to happen; a Hollywood façade with nothing behind it. Companies like Enron and WorldCom did not fail just because they had lousy business plans. They failed because their leaders failed the test of character. These CEOs now say they didn't understand what was going on beneath them — but didn't they create the culture of short-cuts, of anything goes? It's a far cry from Harry Truman's "the buck stops here."

So, to repeat, character is the first and ultimate test of leadership. That said, I certainly don't want to imply that entrepreneurial leadership is not one of the most exciting avocations imaginable. The enormous, astonishing progress achieved during the past century — in economic growth, technological innovations, and rising standards of living — is due directly to the triumph of entrepreneurs in our free market economy. As Stephen Moore and Julian Simon point out in their book *The Greatest Century that Ever Was*, the 20th century saw:

- life expectancy rise from 47 to 77 years,
- deaths from infectious disease fall from 700 to 50 per 100,000 population,
- agricultural workers decline from 35 to 2.5 percent of the workforce,
- auto ownership rise from 1 to 91 percent of the population,
- and household assets, adjusted for inflation, rise from $6 trillion to $41 trillion between 1945 and 1998.

So, make no mistake — entrepreneurship is an exciting and noble calling. However, it is also a lonely one. When you start a venture, and take a sizable risk, it can get real lonely, real fast. There may be moments when you think you are wrong. There are certainly going to be moments when everyone tells you you are wrong. You're going to wake up in the middle of the night with doubt gnawing in the pit of your stomach. But don't worry. You may feel lonely, but you are not alone. As Pope John Paul II often reiterated during his historic papacy, "be not afraid."

American history is chock full of thousands of entrepreneurs seizing opportunities to kindle their vision of a breath-taking future — then having to suffer through times when nothing seemed to go right. Christopher Columbus was an unknown Genovese sailor with a burning desire to sail beyond the horizon, but no means of getting there on his own. Get there he did, but not before enduring storms, starvation, and near mutiny by his crew. Surely, no entrepreneur was ever lonelier than he.

Later, George Washington was a fearless general leading an army that was outmanned, outgunned, and had lost or run away from virtually every engagement and skirmish with the British. Then, providentially, on Christmas night 1776, in a blinding snowstorm, Washington took a bold risk.

The Founding Fathers may have been the greatest entrepreneurs of modern history. They wanted to break free, in the best sense, so that the colonies could be in business for themselves. Mostly men of business, they risked their lives, fortunes, and sacred honor for the revolutionary idea that all people are endowed by their Creator with inalienable rights of life, liberty, and the pursuit of happiness. They paid dearly for those beliefs. Many were killed. Their families were maimed and murdered. Their homes were plundered. Virtually all lost their fortunes. But none lost his honor, and their ideas triumphed.

Virtually every new, revolutionary idea evokes three stages of reaction: One ... it's impossible. Two ... it's possible, but not worth doing. Three ... I said it was a good idea all along. According to an 1865 *Boston Post* editorial, "Well-informed people know it is impossible to transmit the voice over wires and that were it possible to do so, the thing would be of no practical value." In 1895, Lord Kelvin, president of the British Royal Society, scoffed at the notion that "Heavier-than-air flying machines are unfeasible." In 1932, even the legendary genius Albert Einstein said, "There is not the slightest indication that nu-

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clear energy will ever be obtainable. It would mean the atom would have to be shattered at will." In 1962, a Decca Recording Company executive turned down the Beatles saying, "We don't like their sound. Groups of guitars are on the way out." What was on the way out was Decca Records! In 1977, the president of the Digital Equipment Corporation scoffed at the suggestion that "there is any reason for any individual to have a computer in their home." And in 1992, the *Wall Street Journal* predicted that "Bill Clinton will lose to any Republican who doesn't drool on stage." So if any of you feel underestimated, take heart.

I had my own experience becoming an entrepreneur when I ran for governor of California in 2002. I quickly realized there is no manual for a challenge of that magnitude. It's not like having that workbook we had when we took piano lessons. You learn by doing, and you experience moments when you find yourself asking, "What the heck am I doing here?" Of course, much of the California media asked the same question.

I recall holding one of my first rallies in a dog park — not a dog track for races, but the little patch of green where people in LA take Rover to relieve himself. Standing on that majestic spot, with a humongous crowd of perhaps 20 curious, standing-room-only onlookers, I thought back to great moments in history: Julius Caesar saying, "I am crossing the Rubicon ...", Teddy Roosevelt saying, "Credit goes to the man in the arena whose face is marred with sweat and dirt and blood ...", Winston Churchill saying, "We will fight them on the beaches, we will fight them on the land, we will fight them in the streets."

My contest was a tad less glorious. I didn't strike so much as slog through — a little like Thomas Edison in the story about his 100th experiment that failed to ignite electricity. Edison didn't say, "This is hopeless. I give up." He said, "We have now eliminated 100 ways that we know will not work." And pretty soon, he found the way that would. Now, I didn't win my race. However, our upstart campaign came within 5 points of upsetting a sitting governor whose party out-numbered ours in voter registration nearly 2 to 1. And, after everyone said Simon was crazy to man the ramparts for ideas like education reform, infrastructure, and the budget deficit being so much worse than they admitted, I've had the satisfaction of hearing, "My gosh, Bill, you were right after all!"

And one thing I learned — or, perhaps more accurately, remembered — when you lose it's important to get right back up. So then, entrepreneurial leadership is not just financing new risks and ventures; it is a state of mind. It is daring to take a chance; risking failure to follow your dream. Like running for office, or going back to school later in life, or launching a new career. You may, during those inevitable moments of loneliness, second-guess your decision. But if you keep your resolve, keep people engaged, energized, and believing in your vision, you may not only be vindicated, you may well be victorious.

The third challenge is that leadership is a paradox. It may seem counter-intuitive — certainly it seems so for many in the media — but greed and looking out for number one are less effective principles of successful entrepreneurship than the Golden Rule: do unto others as you would have them do unto you. The most successful entrepreneurs lead by listening; they get by giving; and they succeed by serving and solving other peoples' problems. There is an expression — "to keep it, you've got to give it away." In doing so, you will be heeding what author George Gilder calls the moral foundations of the free market.

Your stature will grow by collaborating with colleagues and enhancing teamwork. Your wealth will grow by entrusting your money to people with powerful profit-making potential. Your success will become stronger by you serving your customers, listening to their needs, and striving always to place their interests first. Businesses that put their customers first often succeed when others fail. You master the magic of lowering prices to increase revenues. You will commit your work and wealth for long periods of time with absolutely no guarantee the world will accept, let alone appreciate, the product or service you bring. But, ultimately, through your efforts and actions, your generation can step up in new, creative, and potentially mind-boggling ways. I'm confident you will.

As in our past, you will prove that the most powerful impact upon humanity's quest for better lives and a better world will come from brave entrepreneurs who, fortunately for the rest of us, have the courage of their convictions. I look forward to knowing that a good and healthy piece of our future will be in your hands. So thank you again for inviting me to share this wonderful day. To those of you who are visitors in our land, whether you stay or return to your countries, we are grateful that you came and I know that America and the world will be better for your presence. Thank you all for the contributions you have made, and, most importantly, for the leadership you are about to bring — as you go forth to serve our country and refresh the American spirit.

God bless you all. CPR

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(Continued from page 18)

are over-done. Nothing here has gone so grievously wrong that it can't be fixed with an aggressive, meticulously thought-out battle plan to take on the Democrats and their allies on all fronts, employing clear lines of authority and delegation of duties in both the actual campaign and the Capitol office. The Democrats can be counted on to over-play their hand — they always do. The governor remains a powerful communicator and still gets the rock star treatment on the campaign trail, paid Democrat demonstrators notwithstanding.

The best news for those interested in fixing California and those who wish the governor well is that team Schwarzenegger belatedly, but finally realizes it has a big problem. High-level councils of war have been held. By the time you read this it will probably be clear whether significant improvements have been made, and who, if anyone, has emerged as winners and losers among the Schwarzenegger consultancy and staff. The identities of the survivors should tell a lot about how 2005 and 2006 will play out.

More than just Schwarzenegger

I should once more stress that the situation I describe is "as of early May." As with everything in the recall/Schwarzenegger phenomenon of the last year and a half, conditions change radically on a daily, sometimes hourly basis. By the time you read this, the governor may be back riding high and the Democrats again in full retreat.

And then there is the people's underlying discontent with the Sacramento *status quo*. The people may be demoralized, especially if the Schwarzenegger meltdown continues, but this discontent will, in the long run, only be exacerbated if the establishment succeeds in beating back the reform movement for now. Also, as I mentioned earlier, this movement is showing signs it may be able not only to survive but to move forward independent of the governor.

Consider, for instance, the "paycheck protection" measure championed by National Tax Limitation Committee President Lew Uhler. Uhler's measure would stop the automatic transfer of money from public employee paychecks to union political coffers except for those employees who authorize them annually in writing. Current practice in this regard is insider, special interest politics with a vengeance. Imagine liberal reaction if a GOP Legislature forced all public workers to contribute to industry political action committees that spent virtually every dollar thus collected electing Republicans and defeating Democrats — and labeled criticism of the outrage "an assault on workers' rights." Big labor defeated a different paycheck protection initiative (Proposition 226) in California in 1998 by the relatively narrow margin of 53 to 47 percent, but it took a $30 million campaign (compared to $3.5 million spent by supporters) to do it. A Luntz Research exit poll of voters who *opposed* 226 found that 69 percent agreed with the statement: "unions should be required to obtain written permission before using dues for political purposes." In other words, without a massive, one-sided disinformation campaign, big labor would have lost. The Uhler initiative, our sources tell us, has the major financial support 226 lacked. And without the public employee, state-supported extortion racket the new initiative would dismantle, unions would soon cease to be a major force tilting state politics leftward.

The ironic spectacle of Schwarzenegger's leadership possibly cracking up even as the reform movement he set in motion may be taking off on its own reflects the ongoing strengths and weaknesses of California's conservative and liberal politic adversaries. The left has competent leaders, effective organization, and a clear idea of the importance of the battle and of its own objectives in fighting it. It does not have popular support for its program, however. California conservatives, in contrast, are chronically short of strong, effective leaders, organization, and a clear sense of mission. They do, however, enjoy popular support most of the time for the overall direction they want the state to follow. Thus California's Democrat/liberal Party must rely on undemocratic gerrymandering and extortion of political funding to maintain its power. Conservatives tend to win the upper hand when they add attractive leaders to their popular issue positions, as happened under Ronald Reagan and, in 2003 and 2004, under Schwarzenegger. But at a critical moment, the conservative side is now again suffering a crisis of leadership, and the Democrats are exploiting the crisis to re-establish control over the debate and, possibly, the state.

At this point, for conservatives, the questions are whether (a) the governor can survive the current crisis and re-assert effective leadership and (b) whether the reform movement, as embodied in the redistricting and paycheck protection initiatives, is now strong enough to prevail on its own over the next year or two even if the governor does not find his way back to the top. CPR

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CORRESPONDENCE

(Continued from page 2)

March/April) on the collection of political contributions through union dues from public employees, and I would also support Mr. Uhler's ballot initiative. But allow me to suggest another solution to deal with the problem.

The state employee unions' bagman is Controller Steve Wesley whose payroll division, staffed by his employees, process the paychecks, deducting the union dues, tallying them up, and sending them to union treasurers. So: public employees working in a public facility collect union political contributions. Excuse me! Is not such political activity prohibited by state law?

I suggest a lawsuit to stop Mr. Wesley and his employees from violating the law: allow him only to pass on dues monies the unions can certify won't be used for politics. Or how about placing the dues in trust accounts administered by the state Public Employment Relations Board with money released only to reimburse legitimate union expenses — none for politics.

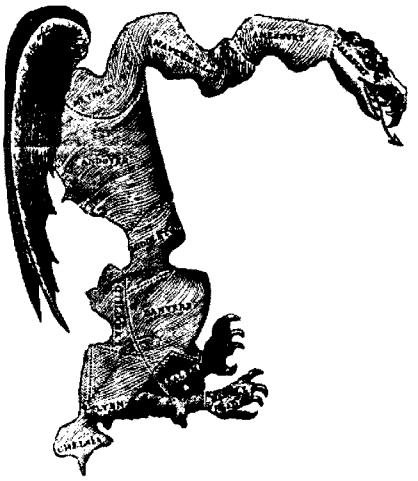
BUT THE best result would be a judicial ruling that, one, labor unions, particularly public sector unions, are inexpiable political organizations, two, "splitting the hairs" of dues into political and non-political accounts is futile, therefore, three, the unions, which have a right to represent their members in collective bargaining, must function strictly on a voluntary basis regarding both membership and dues and must make their own dues collections. Then let the unions be as politically active as they please, with voluntary contributions donated, not mandated, from their members.

Another point: using public payroll offices to collect money for unions' generally one-sided political activity violates equal protection of the law at the expense of parties *not* receiving equal proceeds from the state-authorized and carried out collections.

Allan J. Borwick
Tracy

Outlaw gerrymandering

It's time to outlaw gerrymandering ("Kill the gerrymander?", Ray Haynes and Shawn Steel, *CPR*, March/April), a job that can be done by two simple rules: one, all districts shall hold the



same number of persons (within one-tenth of one percent), and two, all districts shall be as compact as a computer can make them. The measure of compactness shall be the district's actual perimeter divided by the square root of the district's actual area, with all measurements in feet and square feet. The smaller the measure obtained by the algorithm, the more compact the district is.

That's it. Forget competitiveness. Forget retired judges. Forget Schwarzenegger's redistricting plan. All you need is the program and the demographics of the state. You can let your worst enemy choose the point interior to the state at which the program begins its iterative process. It doesn't matter where it starts; when it's done, all districts will have the same number of people and all will be as compact as possible (probably all of them will be nearly square, and the state will look as if it has been tiled by squares of widely different areas).

Party registration shall not be included in the data set the program uses to set district boundaries. Only the identity of each person in the state and the location of that person shall be available to the program. That's it. Without the gerrymandering information, the program can't be jiggered to perform any gerrymandering. And because all the other "sensitive" characteristics of individuals are similarly missing — ethnicity, religion, sex, marital status, children, and so forth — there can be no charges of discrimination. Further, because persons of like beliefs and culture tend to cluster geographically, the program generates district boundaries that tend to represent groups of persons with similar needs and aspirations.

In maximally-compact districts, the successful candidates must necessarily appeal to the voters — not the party-controlled cadre — and once elected, wise representatives will claim to represent the voters and not the party. That's an improvement.

It couldn't be any simpler. I think the people would vote for this way of setting compact district boundaries, even though neither major party will be at all happy with the results. On the other hand, when reapportionment was specified in the Constitution, there were no political parties. Now that parties exist, it is necessary to remove their influence. Let the people choose the issues that are important to them. In every election, let the people choose the axes upon which their districts are competitive.

Wm. O. Felsman
Woodland Hills

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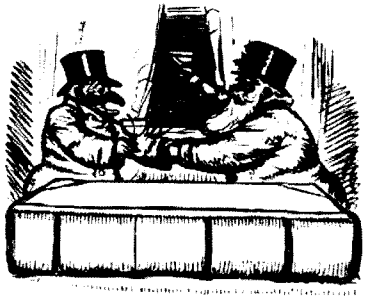

CRITICUS

Theories of Everything

BY G.B. TENNYSON

WHEN THE story broke that Lawrence Summers, president of Harvard, had offended academic political correctness by saying in a casual, unscripted talk at a conference that innate differences between men and women may account for the fact that men were much more heavily represented than women in the sciences, Criticus found the only thing interesting about these remarks was the response they generated among Summers' audience and subsequently among Harvard students and faculty and the ravenous media. The comment about innate differences seemed to Criticus so self-evident that he thought even academics could see it. Of course he underestimated the power of ideology among feminists and academics. And he overestimated the public relations smarts of President Summers.

First the reaction. The most extreme was the statement by an MIT professor named Nancy Hopkins who walked out of the room upon hearing Summers. It went as follows: "My heart was pounding and my breath was shallow. I just couldn't breathe because this kind of bias makes me physically ill." If she hadn't walked out, she "would've either blacked out or thrown up." Yes, this was the reaction of an adult, professional woman, more or less confirming the common belief that there are differences between the sexes, if not having to do with scientific aptitude then certainly with emotional behavior. Even Margaret Carlson — no conservative she — wrote in dismay that this was a "return of the vapors." Other women survived the discussion but were equally outraged, even if they didn't have to take out their fans and flutter them frantically to maintain their composure.

Second, Summers himself, *i.e.*, the Harvard president's reaction to the firestorm that the media gleefully reported and abetted. Although Summers came to his position after serving as Treasury secretary in the Clinton administration, he evidently didn't learn all that he should have in Washington, such as this bit of Critical doggerel: "Imitate not the hapless Trent Lott / If you are ever put on the spot." All right, it's not Milton, but the point is clear. Lott, you will recall, suggested at a dinner celebrating Strom Thurmond's 100th birthday that the U.S. would be a better place if Thurmond had won on the Dixiecrat ticket in 1948. Although this could reasonably have been seen

G.B. Tennyson is by his own appointment CPR's *academic squabbles and Political Correctness correspondent.*

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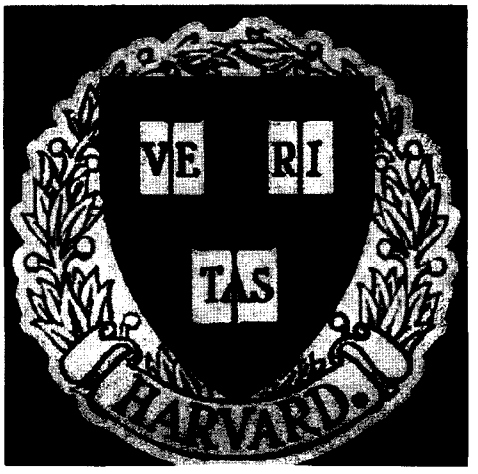
as little more than understandable smarm directed to the aged Birthday Boy, it was interpreted by the media as saying that segregation, if not indeed slavery, was better than the present state of civil rights. This unleashed a storm of criticism, though not against the clearly fading Thurmond but against Lott. This prompted the then-leader of the senate to go about apologizing again and again and again, which kept the story alive and still did not prevent his having to step down from his leadership post. Summers has apologized even more often than Lott did. This only helped to give the story legs. Compare the recent reaction of the mayor of London, Ken Livingstone (known as Red Ken, so obviously not a Critical hero) when he caused an outcry by comparing a Jewish journalist to a Nazi camp guard. In response to the call from the media and the chattering classes for Livingstone to apologize, he simply said no and got on with it. After a week or so the story died.



Now Criticus cares not at all whether Summers is forced to resign. Word has it that the man is not gifted with the kind of emollient personality that works best in academic leadership positions and that much of the outcry has been intensified because of his brusque and blustery style. Well, that's Harvard's problem. Nor will Criticus offer a metaphorical hanky to the ladies who are weeping over this insult to their scientific abilities. Indeed, as the story continued to gain coverage over the months, Criticus thought it not worth his time to write about. The reason that I am making an exception now is that the most unremarked issue in all the coverage of this event is whether there is any substance to Summers' statement about the relative scientific abilities of men and women. That issue has been as good as lost in the furor about Summers, his violation of political correctness, his future at Harvard, and all the rest.

Of course, we know that feminist female academics (are there any other kind?) and their fellow-traveling male academics along with the loudest voices among brainwashed activist students have long maintained that there are no differences between the sexes. The physical ones that you see are merely superficial, rather like differences in hair color. Everything else is discrimination or the result of social conditioning. That is why Title IX was forced upon colleges and universities, causing the abolition of many men's sports such as wrestling and men's gymnastics to make way for such as women's softball and field hockey. The argument is that women are as interested in sports as men. Again, this is patently untrue, as anyone who has observed the behavior and interests of boys and girls can attest. Moreover, if they are equal, why have separate men's and women's teams at all? Let all compete for places on a single team. This is not to discourage women from engaging in whatever sports they like. Nay, let their tribe increase, especially in sports requiring grace rather than brawn, such as gymnastics, figure skating, tennis, and even that curious European activity in which women swan about waving long streamers (it must have a name, but I don't know it). But let it also be noted that women who are truly interested in athletic activity know perfectly well that they can't compete successfully against men in the same sport. The top woman golfer Annika Sorenstam, even now storming all before her in the LPGA, learned and demonstrated that truth yet again last year, as was noted in this column. And that was not even in a contact sport. Imagine some other Annika in a rugby scrum.

PRESUMABLY ALL but the most rabid Summers critics would concede that there are meaningful physical differences between the sexes. What they will not concede is that there can be any kind of gender-influenced differences in mental aptitudes. But it has been widely observed that, even among the very young, boys have greater spatial abilities and girls greater verbal abilities. That this should translate later into a higher representation of males in the sciences seems only natural. No doubt societal expectations and emphases play their part here as well. Girls are less likely to be encouraged to go into engineering or mathematics than boys. But that can only be part of the story and probably not the major part. Summers himself, I believe it was, tried to explain some of the differences by telling the story of his two daughters who were given at a young age two trucks to play with, apparently on the grounds that it was only conditioning that made such toys seem more appropriate for boys. In no time at all he found the girls referring to the larger truck as "Daddy Truck" and the smaller truck as "Baby Truck." Any honest parent or grandparent

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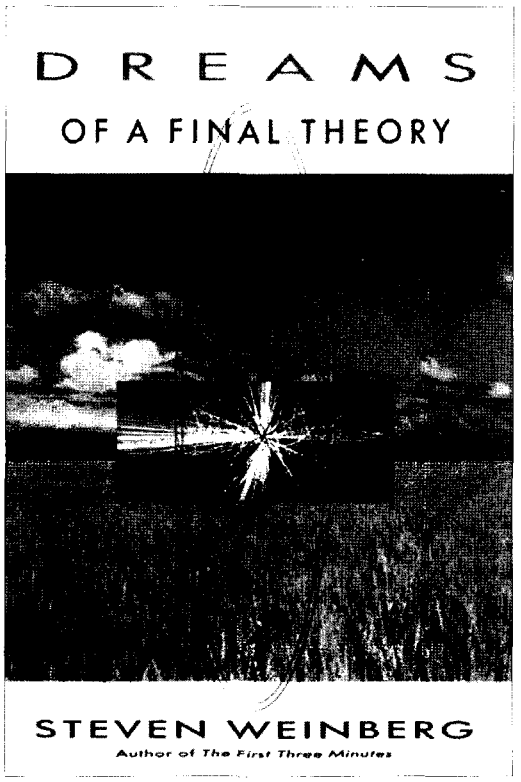
could illustrate the same point hundreds of times over.

CRITICUS HAS already made clear that the reason he has let himself be drawn into this matter is his awareness that in all the tumult over the Summers PC blunder the issue of whether his point has validity has been lost. There is yet another reason. It is that in terms of natural aptitude Criticus's own gifts, such as they are, fall on the side in which females are generally more adept than males, at least in the formative years. Criticus was and largely still is a disaster in the fields of math and science. His one scientific or, more properly mechanical, triumph occurred many years ago and in another country. While driving with Madame Criticus at night from Kaiserslautern to Paris in a prewar Adler automobile that had been converted to a German general staff wood-powered (verily) vehicle for service on the Russian front and then reconverted postwar to a gas-powered one, Criticus found that the engine was sputtering. Reading a manual by flashlight and poking under the hood, Criticus determined that the problem lay in the contraption that disbursed the gas to the engine (the distributor? the carburetor? the gas pump?) which appeared to have a loose cap so that gas was splattering about. Criticus, ignorant though he was, took a handkerchief and tied the parts together. God in His wisdom was not only watching the fall of a sparrow but also the mechanical struggles of a fool, and He kindly allowed the fool to make it all the way to Paris. The interesting part for Criticus was not auto repair but learning the French word for hardware (*quincaillerie,* of all odd-sounding but rather delightful words) and finding the right-sized screw to reattach the cloth-wrapped parts. Incredibly, somehow the deed was done, and we made it back to the Fatherland without incident. My mechanical skills have been going downhill ever since.



But I digress. My larger point is that my natural inclination has always been towards language and literature, not science. Furthermore, when we think of the higher reaches of literature and philosophy and for that matter of great musical compositions, we are dealing overwhelmingly with men. Should all this not have inclined Criticus to believe that Summers was wrong? No. Here's why. A generalization is just that — a notion that is generally true, not one that is true in every instance. It would not be hard to find some women who are superior to some men in almost any field of endeavor. To cite such instances as proof that there are no differences between the sexes is to take exceptions for the rule. It is very like the much reviled *Bell Curve* which demonstrated differences in various skills and aptitudes among races and ethnicities, differences that were unwelcome to believers in egalitarianism and the infinite malleability of humans. Such generalizations, much like the one from Summers, are not meant to predict the abilities of any specific individual. Certainly it didn't predict mine.

Nevertheless, Summers was forced to recant. He told the Harvard community: "I was wrong to have spoken in a way that has resulted in an unintended signal of discouragement to talented girls and women." In another of his countless apologies he even said the potential to excel in science is not dictated by gender, as evidenced by the distinguished careers of women scientists. This conflicts with the fact that prompted his remarks in the first place, namely that women are greatly outnumbered by men in the sciences and demonstrably so in the Harvard faculty. Would Summers be prepared to say that because some white men *can* jump, there ought to be as many white men in professional basketball as blacks? Or perhaps even *more* white men than black men in keeping with the racial composition of the population?

WELL, I THINK the point is made. There are gender differences, although generalizations and theories about them, like generalizations and theories about anything, come and go. Note, I am not narrowly equating generalizations and theories, though they seem to me to be close kin, kissing cousins perhaps. One theory that issued in a long-held generalization was the

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notion that women could not be as intelligent as men because they had smaller brains, which would presumably also mean that smaller men are less intelligent than larger men, and for that matter larger women, in which case we should look for the highest intelligence among Sumo wrestlers. One thing that seems to remain constant is that theories will always be with us and will always provoke interest and controversy. In that respect I am reminded of a once widely read, now largely forgotten, book by Stanley Edgar Hyman. It was titled *The Tangled Bank: Darwin, Marx, Frazer, and Freud as Imaginative Writers.* Many at the time criticized the work for not assessing the truth of the ideas advanced by the four authors under consideration. That was not Hyman's intent. His point was that all four authors who were presenting their work as factual and even scientific were using metaphors and literary devices at least as much as writers of fiction and that the four were "not scientific at all." Freud's theory of psychoanalysis "is about as quantifiable as a sonnet sequence," he wrote. All four of the authors were visionaries whose ideas could not be tested: "One cannot refute a vision."

Since Hyman's time all of his authors have suffered various degrees of decline in esteem, but on scientific grounds, not so much on the grounds that Hyman brought to our attention. Those continue to hold. Frazer's *Golden Bough,* an insightful look at ancient myth, is mostly forgotten, though it still has the power to impress, and of the four Criticus would recommend Frazer as still having something to say. Marx is discredited especially in those countries wherein once his doctrine flourished, even as the Western Loony Left keeps insisting that Marxism hasn't really been tried (yawn, yawn). Freud is now close to laughable; even the feminists have disdained him, poor noddy that he is now seen to be. And Darwin is under attack and in danger of being overthrown by the proponents of Intelligent Design and Irreducible Complexity. Certainly Darwin's defenders are more numerous and in greater positions of power than those of the other three, but increasingly they sound shrill and dogmatic, asserting that evolution is true and that ID and IC proponents are closet creationists, so the case is closed. Well, we'll see about that.

Only recently an op-ed piece in the *Los Angeles Times* by the founding publisher of *Skeptic* magazine, one Michael Shermer, dismissed intelligent design as not scientific because unlike Darwinism not testable. "Natural selection can and has been observed and tested, and Charles Darwin's theory has been refined," said he. But the only observations of natural selection anyone can point to have been in the micro-evolutionary sphere. Husbandmen breeders have known for centuries that you can selectively breed larger dogs and smaller dogs, but you can't breed a dog into a cat.

The most unremarked issue in all the coverage of this event is whether there is any substance to Summers' statement about the relative scientific abilities of men and women.

As for that dodgy statement that Darwin's theory has been refined, that presumably refers to such notions as the late world-renowned Darwinist Stephen Jay Gould's concept of "punctuated equilibrium," which means that things go along pretty much the same for millennia and then there is a sudden spurt of changes all over the place. This idea was Gould's rather desperate attempt to account for the perplexing fact that the fossil record shows long periods of the same fossils and then suddenly a burst of fossils of new and different species. But why? How is that any kind of *natural* selection? And what is natural selection anyway but a Darwinian sleight of hand to obscure the fact that someone or something or some agency must be doing the selecting? How can there be selection without a selector? Survival of the fittest? How can we know who are the fittest? Because they survive. In other words, the survival of the survivors. Random mutation? Another weasel phrase. It means simply *chance.* What is testable about chance?

Well, that's theory for you. No wonder that Shermer's piece provoked a number of readers' responses, of which the *Times* printed five, which more or less split three to two in favor of Shermer's view with some reservations expressed in most of them, unusually close to even-handed for the *Times.* It shows nevertheless that Darwinism is no longer quite the all-conquering theory it seemed to be in the period after the Scopes trial. As for that tangled bank, here is what Darwin wrote:

> It is interesting to contemplate a tangled bank, clothed with many plants of many kinds, with birds singing on the bushes, with various insects flitting

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about, and with worms crawling through the damp earth, and to reflect that these elaborately constructed forms, so different from each other have all been produced by laws acting around us. These laws, taken in the largest sense, being Growth with Reproduction; Inheritance which is almost implied by reproduction; Variability from the indirect and direct action of the conditions of life and from use and disuse: a Ratio of Increase so high as to lead to a Struggle for Life, and as a consequence to Natural Selection, entailing Divergence of Character and the Extinction of less-improved forms.

In the tangled bank Darwin managed to see his theory confirmed. In other words, as Hyman wrote, he had a vision. So much then for some particular theories.

But what are we at last to make of the intriguing notion that there is a final theory of everything, an idea or at least a hope that has been around for a long time? A dozen years ago there was even a book titled *Dreams of a Final Theory* by Steven Weinberg. More recently such dreams have gained attention even among layman as a result of the challenging 2004 book *The Final Theory: Rethinking Our Scientific Legacy* by one Mark McCutcheon. McCutcheon is an "electrical engineer and science enthusiast" not affiliated with any institution. His 417-page book, not burdened with any footnotes or bibliography, purports to be accessible to that often-referred to common reader. McCutcheon even tries to make it more accessible by employing throughout nine visual "icons" (how the computer *does* color our everyday thinking) that are used to indicate some important idea about to be treated. These range from an icon titled "Note" above a pointing figure to one of a glowing light bulb to indicate "New Idea" to a large "X" to call attention to an error. This makes it all appear to be designed for easier access, which to a degree is true. It is also likely to garner little but scorn from academic scientists, as it gives the text a bit of comic-book flavor. Of course, for Criticus this was welcome, as he is indeed a sub-common reader in these realms. Even so, there is much tough sledding here, much that would be more accessible to those lady scientists of President Summers' newfound admiration than to a scientific illiterate like Criticus. Moreover, the literary style does have rather too much in common with that electrical engineering background.

What I was able to take away from my dogged reading which seemed to stretch to "weary sev'nights, nine times nine" but was actually only spottily over a single "sev'night" is that there are profound mysteries and inconsistencies in much of what is called by McCutcheon "Standard Theory." By this he means such things as the Newtonian theory of gravity, Einstein's relativity, quantum mechanics, atomic magnetism, black holes, and all such like. McCutcheon points out that there is no explanation of the source of gravity, no proof that the speed of light is the absolute fastest that anything can go, no explanation as to why magnets stick together without losing their force, and even, if I understand him, no such thing as time. On this latter Criticus must be missing something, as he distinctly recalls that there was a yesterday and is reasonably confident that there will be a tomorrow. But I suspect McCutcheon is aiming at something deeper, such as Einsteinian time warps and science fiction dreams of time travel. It is fun to see him fearlessly take on those other sorts of icons, that is, such as Newton, Einstein, Bohr, Doppler and others, and even the Big Bang theory, but Criticus is only enjoying the iconoclastic character of it all, not endorsing arguments that are beyond him.

Still, the question remains, what after all is the Final Theory? I don't want to give away what McCutcheon spends so much time and so many pages gradually revealing in a somewhat labored verbal equivalent of a striptease, but I will say it is something called "Expansion Theory," and encompasses everything from atoms to the expanding universe, which latter McCutcheon denies. It is not a modification of Standard Theory but a wholly separate and comprehensive Theory of Everything. Or at least of everything in the physical universe. Alas, it does not explain who or what created that universe. Nor does it answer the question of whether there are gender differences in regard to scientific aptitude. But we already know the answer to that one. CPR

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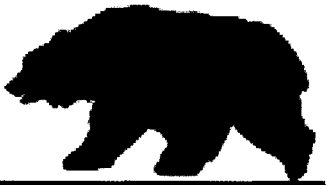

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